

**THE IMPLEMENTATION OF SONG AND MUSIC ROYALTY
LICENSING BY CAFE BUSINESS ACTORS FROM THE PERSPECTIVE
OF POSITIVE LAW AND *SADD ADZ-DZARI'AH*
(A STUDY AT UNLOCK COFFEE GARDEN CAFÉ IN MALANG
REGENCY AND LAFAYETTE COFFEE & EATERY IN MALANG CITY)**

THESIS

**BY:
RIFA NAJLA
SIN. 220202110097**



**DEPARTMENT OF SHARIA ECONOMIC LAW
FACULTY OF SHARIA
MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY
MALANG
2026**

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MALANG
2026**

DECLARATION OF THESIS AUTHENTICITY

In the name of Allah,

With full awareness and a sense of responsibility for the development of knowledge, the author hereby declares that the thesis entitled:

THE IMPLEMENTATION OF SONG AND MUSIC ROYALTY LICENSING BY CAFE BUSINESS ACTORS FROM THE PERSPECTIVE OF POSITIVE LAW AND *SADD ADZ-DZARI'AH* (A STUDY AT UNLOCK COFFEE GARDEN CAFÉ IN MALANG REGENCY AND LAFAYETTE COFFEE & EATERY IN MALANG CITY)

is truly an original work written independently in accordance with the principles of scientific writing and can be accounted for. Should it later be proven that this thesis is a result of plagiarism, either in part or in whole, then this thesis as a requirement for obtaining a degree shall be declared null and void by law.

Malang, 7th of April 2026



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APPROVAL PAGE

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The thesis advisor hereby declares that the thesis has fulfilled the scientific requirements to be submitted and examined by the Board of Examiners.

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MOTTO

وَهُوَ الَّذِي جَعَلَ اللَّيْلَ وَالنَّهَارَ خِلْفَةً لِّمَنْ أَرَادَ أَنْ يَذَّكَّرَ أَوْ أَرَادَ شُكُورًا

*“And Allah is the One who has made the night and the day succeed one another
for whoever desires to take heed or desires to be grateful.”*

(Q.S. Al-Furqan: 62)

*“This will pass. Eventhough difficult times will come, i will hold on and think that
it will pass.”*

(Lee Haechan)

TRANSLITERATION GUIDELINES

In the writing of scientific papers, the use of foreign terms is often inevitable. According to the General Guidelines for Indonesian Spelling, foreign words are generally written in italics. For Arabic terms, there are specific transliteration guidelines that apply internationally. The following table presents these transliteration guidelines as a reference for academic writing. The Arabic–Indonesian transliteration system used by the Faculty of Sharia at Maulana Malik Ibrahim State Islamic University of Malang follows the Library of Congress (LC) model of the United States, as outlined below:

Arab	Indonesia	Arab	Indonesia
ا	`	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	هـ	h
ش	sh	أ/ء	’
ص	ṣ	ي	y
ض	ḍ		

To indicate a long vowel sound (*madd*), a horizontal line is placed above the letter, as in *ā*, *ī*, and *ū* (أ, ي, و). Arabic diphthongs are transliterated by combining the letters “ay” and “aw,” as in *layyinah* and *lawwāmah*. Words ending in *tā’ marbūṭah* that function as adjectives or *muḍāf ilayh* are transliterated with “ah,” while those functioning as *muḍāf* are transliterated with “at.”

PREFACE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillah wa syukurillah, All praise be to Allah SWT, the Most Gracious and the Most Merciful, for His blessings, guidance, and mercy that have enabled the completion of this thesis entitled:

THE IMPLEMENTATION OF SONG AND MUSIC ROYALTY LICENSING BY CAFE BUSINESS ACTORS FROM THE PERSPECTIVE OF POSITIVE LAW AND *SADD ADZ-DZARI'AH* (A STUDY AT UNLOCK COFFEE GARDEN CAFÉ IN MALANG REGENCY AND LAFAYETTE COFFEE & EATERY IN MALANG CITY)

properly and on time. May peace and blessings be upon the great Prophet Muhammad SAW, who has guided human kind from the darkness to the day after by *ad-dīn al-Islām wal-īmān*.

This thesis has been prepared to fulfill the final requirement for students to obtain a bachelor of law degree in the Department of Sharia Economic Law, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang. The successful completion of this thesis would not have been possible without the guidance, direction, assistance, and encouragement of many parties. Therefore, on this occasion, the author would like to express sincere gratitude to:

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7. Unlock Coffee Garden Café at Malang Regency and Lafayette Coffee & Eatery at Malang City, who contributed their support, assistance, and cooperation in facilitating the completion of this thesis
8. Special thanks to author's beloved family, especially Bunda and Ayah, who have always been the warmest home in every step of author's life, for their endless prayers and love that have made it possible for author to complete this thesis, also author's siblings Aqila, Syafa, Rafqi, and author's entire extended families, the deepest gratitude for their unconditional love, unceasing prayers, and unwavering faith in every author's choice and dream, thank you for being a family where author can always feel safe, loved, and happy
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10. All of author's best friends in Aceh, especially Naila, Chika, Olet, Salsa, Lacima 2.0, who have always accompany author since junior high school and always giving support, comfort and endlessly love for author wherever they are, also to all other friends whose names cannot be mentioned individually
11. NCT Dream, NCT 127, all of NCT Unit, and Aespa for being a source of positive energy that motivate, entertain, and accompany author through their songs as long as author journey in completing this thesis, also allowing author to persevere and not give up
12. Lee Haechan and Mark Lee, author's strongest duo, what author certain know about is, met them both was the biggest turning point in her life, through their comforting words, she could be better version of herself. Thanks for showing her a calm and charming smile, confident way of speaking, and for always

radiate positive energy, although maybe the path were never cross, just know that their presence always brightens her day and heals her wounds from the scratch

13. Last but not least, to the author, myself, i wanna thank me, i wanna thank me for believing in me, i wanna thank me for doing all this hardwork, i wanna thank me for having no days off, i wanna thank me for never quitting, i wanna thank me for always being a giver and trying to give more than i receive, i wanna thank me for trying to do more right than wrong, i wanna thank me for just being me at all times. I will always be proud of me.

With the completion of this thesis, Author hopes the insights gained during Author's study at Maulana Malik Ibrahim State Islamic University Malang will serve a meaningful purpose both now and in the future. While this work represents a dedicated effort, the author fully aware that this thesis is full of limitations and remains welcome to constructive feedback and suggestions to refine future scholarly improvement.

Malang, 7th April 2026
Author

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ABSTRACT

Rifa Najla, 220202110097, 2026, *The Implementation of Song and Music Royalty Licensing by Café Business Actors from the Perspective of Positive Law and Sadd Adz-Dzari'ah* (A Study at Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City), Undergraduate Thesis, Sharia Economic Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang, Supervisor: Prof. Dr. Khoirul Hidayah, M.H.

Keywords: Royalty License Application, Commercial Use, Café Business Actors

The utilization of music as a supporting element in commercial activities within the café business sector gives rise to legal consequences in the form of an obligation to pay royalties as a manifestation of the protection of the economic rights of creators. The obligation to pay royalties for the commercial use of songs and music has been clearly regulated in Law Number 28 of 2014 concerning Copyright, which states that copyright holders possess economic rights over their creations. This provision is further clarified in Article 9 paragraph (1) of Government Regulation Number 56 of 2021, which stipulates that anyone who uses another person's copyrighted works for commercial purposes and in the public sphere is legally required to obtain a license and pay royalties. However, in practice, the implementation of music licensing and royalty payments still faces various obstacles, including the lack of understanding among business actors, the lack of transparency in royalty management, and inconsistencies in law enforcement.

This study aims to explain the implementation of song and music royalty licensing by café business actors from the perspective of positive law and to examine the practice from the perspective of *sadd adz-dzari'ah*. The research method employed is empirical legal research with a juridical-sociological approach. Data were obtained through interviews with two café managers, namely Unlock Coffee Garden Café and Lafayette Coffee & Eatery.

The results of the study indicate that the implementation of licensing and royalty payments has not yet been carried out optimally. From the perspective of positive law, there remains a low level of compliance due to economic factors, unclear tariffs and transparency, as well as inconsistent law enforcement. Meanwhile, from the perspective of *sadd adz-dzari'ah*, the obligation to pay royalties is viewed as a preventive measure to prevent copyright infringement and protect the intellectual property rights of creators. However, its implementation should also consider aspects of public benefit (*maslahah*), particularly for small-scale business actors, so as not to impose excessive burdens. This study emphasizes that the implementation of royalty licensing requires a balance between protecting creators' rights and ensuring fairness for business actors, supported by a management system that is transparent, proportional, and oriented toward the common good.

ABSTRAK

Rifa Najla, 220202110097, 2026, Implementasi Lisensi Royalti Lagu Dan Musik Oleh Pelaku Usaha Kafe Perspektif Hukum Positif Dan *Sadd Adz-Dzari'Ah* (Studi Di Unlock Coffee Garden Café Kabupaten Malang Dan Lafayette Coffee & Eatery Kota Malang), Skripsi, Program Studi Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing: Prof. Dr. Khoirul Hidayah, M.H.

Kata Kunci: Pengajuan Lisensi Royalti, Penggunaan Secara Komersial, Pelaku Usaha Kafe

Pemanfaatan musik sebagai elemen pendukung aktivitas komersial di sektor usaha kafe menimbulkan konsekuensi hukum berupa kewajiban pembayaran royalti sebagai bentuk perlindungan terhadap hak ekonomi pencipta. Kewajiban pembayaran royalti atas penggunaan lagu dan musik secara komersial telah diatur secara jelas dalam Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta bahwa pemegang hak cipta memiliki hak ekonomi atas ciptaannya, yang kemudian diperjelas melalui pasal Pasal 9 ayat (1) Peraturan Pemerintah No. 56 Tahun 2021 bahwa siapa saja yang menggunakan karya ciptaan orang lain dengan tujuan komersial dan dalam ranah public memiliki kewajiban hukum untuk memperoleh lisensi dan membayar royalti. Namun demikian, dalam praktiknya implementasi lisensi dan pembayaran royalti lagu dan musik masih menghadapi berbagai hambatan, baik dari aspek pemahaman pelaku usaha, transparansi pengelolaan royalti, maupun konsistensi penegakan hukum.

Penelitian ini bertujuan untuk menjabarkan implementasi lisensi royalti lagu dan musik oleh pelaku usaha kafe berdasarkan perspektif hukum positif serta meninjau praktik berdasarkan perspektif *sadd adz-dzari'ah*. Metode penelitian yang digunakan adalah penelitian hukum empiris dengan pendekatan yuridis-sosiologis. Data diperoleh melalui wawancara dengan dua pengelola kafe, yaitu Unlock Coffee Garden Café dan Lafayette Coffee & Eatery.

Hasil penelitian menunjukkan bahwa implementasi lisensi dan pembayaran royalti belum berjalan secara optimal. Dari perspektif hukum positif, masih ditemukan tingkat kepatuhan yang rendah akibat faktor ekonomi, ketidakjelasan tarif dan transparansi, serta ketidakkonsistenan penegakan hukum. Sementara itu, dari perspektif *sadd adz-dzari'ah*, kewajiban pembayaran royalti dipandang sebagai upaya preventif untuk mencegah terjadinya pelanggaran hak cipta dan melindungi hak kekayaan pencipta. Namun, penerapannya perlu mempertimbangkan aspek kemaslahatan, khususnya bagi pelaku usaha skala kecil, agar tidak menimbulkan beban yang berlebihan. Penelitian ini menegaskan bahwa implementasi lisensi royalti memerlukan keseimbangan antara perlindungan hak pencipta dan keadilan bagi pelaku usaha, serta didukung oleh sistem pengelolaan yang transparan, proporsional, dan berorientasi pada kemaslahatan bersama.

المخلص

ريفاء نجلاء، ٢٠٢٦، ٢٢٠٢٠٢١١٠٠٩٧، تطبيق ترخيص إتاوات الأغاني والموسيقى من قبل أصحاب المقاهي في منظور القانون الوضعي وسد الذريعة (دراسة في مقهى "أنلوك كوفي غاردن" بمحافظة مالانج ومقهى "لافاييت كوفي أند إيتري" بمدينة مالانج)، بحث جامعي، قسم أحكام الاقتصاد الشرعي، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية بمالانج. المشرفة: الأستاذة الدكتورة خير الهداية، الماجستير في الحقوق.

الكلمات المفتاحية: تقديم طلب ترخيص الإتاوات، الاستخدام التجاري، أصحاب المقاهي.

إن استخدام الموسيقى كعنصر داعم للأنشطة التجارية في قطاع المقاهي يترتب عليه عواقب قانونية تتمثل في التزام دفع الإتاوات كشكل من أشكال الحماية للحقوق الاقتصادية للمؤلف. ومع ذلك، لا يزال تطبيق الترخيص ودفع إتاوات الأغاني والموسيقى في الممارسة العملية يواجه عقبات مختلفة، سواء من حيث فهم أصحاب العمل، أو شفافية إدارة الإتاوات، أو اتساق إنفاذ القانون. إن الالتزام بدفع الإتاوات عن استخدام الأغاني والموسيقى لأغراض تجارية قد تم تنظيمه بوضوح في القانون رقم ٢٨ لسنة ٢٠١٤ بشأن حق المؤلف، حيث يتمتع صاحب حق المؤلف بالحقوق الاقتصادية لمصنفه، وهو ما تم توضيحه لاحقاً من خلال المادة ٩ الفقرة (١) من اللائحة الحكومية رقم ٥٦ لسنة ٢٠٢١، والتي تنص على أن كل من يستخدم مصنفاً لغيره لأغراض تجارية وفي المجال العام يقع عليه التزام قانوني بالحصول على ترخيص ودفع الإتاوات. ومن ثم، فإن هذا الوضع يشير إلى وجود فجوة بين القواعد المعمول بها والواقع الميداني.

يهدف هذا البحث إلى شرح تطبيق ترخيص إتاوات الأغاني والموسيقى من قبل أصحاب المقاهي بناءً على منظور القانون الوضعي ومراجعة الممارسات بناءً على منظور سد الذريعة. ومنهج البحث المستخدم هو البحث القانوني التجريبي مع المنهج القانوني السوسبيولوجي، الذي يدرس نصوص القوانين واللوائح ويربطها بالحقائق الاجتماعية في الميدان. وقد أجري البحث في مقهيين، وهما: مقهى "أنلوك كوفي غاردن" ومقهى "لافاييت كوفي أند إيتري".

أظهرت نتائج البحث أن تطبيق الترخيص ودفع الإتاوات لم يتم بشكل أمثل. فمن منظور القانون الوضعي، لا يزال هناك مستوى منخفض من الامتثال بسبب العوامل الاقتصادية، وعدم وضوح التعريفات والشفافية، وعدم الاتساق في إنفاذ القانون. وفي الوقت نفسه، من منظور سد الذريعة، يُنظر إلى الالتزام بدفع الإتاوات كإجراء وقائي لمنع حدوث انتهاكات لحقوق المؤلف وحماية الحقوق الفكرية للمبدعين. ومع ذلك، فإن تطبيقه يحتاج إلى مراعاة جوانب المصلحة، خاصة لأصحاب المشاريع الصغيرة، حتى لا يؤدي ذلك إلى أعباء مفرطة. ويؤكد هذا البحث أن تطبيق ترخيص الإتاوات يتطلب توازناً بين حماية حقوق المؤلف والعدالة لأصحاب العمل، مع ضرورة دعمه بنظام إدارة شفاف ومتناسب وموجه نحو المصلحة العامة.

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CHAPTER I

INTRODUCTION

A. Background

Music and songs are creative works produced by humans in the field of art that possess high aesthetic, cultural, and economic value. In the development of modern society, music functions as a medium of expression and entertainment and also as an economic commodity with commercial value. The playing of music in cafes, whether in digital form or through live performances, has become an inseparable business strategy in attracting customers. The primary purpose of playing music in cafes is to enhance comfort and atmosphere, thereby encouraging customers to spend more time in the café in order to increase business profits.¹ However, the use of music for commercial purposes gives rise to legal implications, as every song and piece of music is protected by copyright, which encompasses both moral rights and economic rights inherent to its creator.

Based on the provisions of Law Number 28 of 2014 concerning Copyright, the playing of music in cafés falls under the category of commercial use of copyrighted works, thereby requiring the payment of royalties as a form of authorization from the creator or the related rights holder.² Article 9 paragraph (1) of the law affirms that copyright holders

¹ Reylandho Cornelius Talahatu, Teng Berlianty, Agustina Balik. "Perlindungan Hak Ekonomi Pencipta Dan Pemegang Hak Cipta Atas Pemutaran Musik Atau Lagu Di Kafe Dan Restoran." *KANJOLI Business Law Review* No.1, Vol.2, (2023): 82

² Khoiril Hidayah, *Hukum Hak Kekayaan Intelektual*, (Malang: Setara Press, 2017), 43

possess economic rights over their works, including performance rights.³ These performance rights grant exclusive authority to the creator or copyright holder, through the National Collective Management Organization (LMKN), to permit or prohibit others from playing, broadcasting, or performing their works in public spaces.⁴ Such forms of performance may vary, including public playback and live performances in cafes.

Regardless of its form, Article 9 paragraph (1) of Government Regulation Number 56 of 2021 stipulates that any individual or legal entity intending to use another person's copyrighted work for commercial purposes and to present such work in the public domain is legally obligated to obtain permission and pay royalties.⁵ This means that any utilization of copyrighted works for commercial purposes must be authorized and accompanied by compensation in the form of royalties to the creator or the related rights holder. This principle upholds respect for intellectual property rights and fosters a fair music ecosystem between creators and users of such works.⁶

³ Khoirul Hidayah, *Hukum Hak Kekayaan Intelektual*, (Malang: Setara Press, 2017), 43

⁴ Heniyatun, Gifary Tidar Pratama, Puji Sulistyansih, "The Involvement of the Indonesian Copyright Foundation (Yayasan Karya Cipta Indonesia or YKCI) Regarding Public Performance Rights in Cafes Utilizing Music Streaming Apps", *Varia Justicia*, No. 2 (2023): 86 <https://journal.unimma.ac.id/index.php/variajusticia/article/view/10250>

⁵ Pasal 9 ayat (1) Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Dan/Atau Musik

⁶ Fahmi Kharisma, Budi Agus Riswandi, "Pelaksanaan Pembayaran Royalti Atas Lagu Dalam Live Performance Kepada Pencipta Lagu Di Kafe Roemah Kesambi Kota Cirebon", *JIPRO: Journal of Intellectual Property*, (2023): 3 <https://doi.org/10.20885/jipro.vol5.iss1.art1>

Indonesia's Copyright Law has normatively provided strong legal protection for creators of songs and music, particularly through economic rights that guarantee the financial potential of their works. The authority to obtain economic benefits is realized through a royalty payment mechanism that must be fulfilled by parties who use such works for commercial purposes. The implementation of this norm is reinforced by the presence of Collective Management Organizations (CMOs) and the National Collective Management Organization (LMKN), which function as facilitators in the collection and distribution of royalties.⁷ Accordingly, every business actor who plays songs owned by others is required to obtain a license and pay royalties to the creator or the related rights holder, as each musical work that is publicly performed inherently carries economic rights. However, despite this well-established legal framework, there remains a significant gap in its implementation in practice.

Music that was previously played in many cafes and restaurants has begun to decline significantly. This is not due to a decrease in customer interest, but rather due to concerns among business actors. Some cafe owners have started to perceive a form of intervention in their freedom to use music within their businesses.⁸ This has become a serious legal issue, as reflected in the case of Mie Gacoan in Bali. The actions of PT Mitra Bali Sukses as the operator, which played songs without paying royalties to the

⁷ Pasal 3 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

⁸ Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

Collective Management Organization, were classified as a violation of economic rights, resulting in the company's director being named a suspect in a copyright infringement case.⁹ This case underscores that failure to comply with licensing obligations is not merely an ethical issue, but may also constitute a criminal offense with significant legal consequences.

This condition has encouraged the emergence of legal awareness among business actors that playing music for commercial purposes carries juridical consequences as regulated under Law Number 28 of 2014 concerning Copyright. However, rather than fully complying through the royalty payment mechanism to LMKM, some cafes have instead adopted preventive measures by readjusting their music playlists. This strategy is implemented by selecting specific music sources, such as royalty-free songs, as an effort to minimize potential additional costs and legal risks, without sacrificing the function of music as an essential element in creating a consumer experience within the cafe.

The need to adopt alternative music strategies has emerged amid relatively significant royalty tariffs, amounting to IDR 120,000 per seat per year for each restaurant and café.¹⁰ The Chairman of the Indonesian Hotel and Restaurant Association (PHRI) of Malang City, Agoes Basoeki, stated that when calculated, each seat incurs a cost of IDR 10,000 per month, while

⁹ Kesia Aprillianty, Gunardi Lie, "Analisis Hukum Pelanggaran Lisensi Hak Cipta Musik Dalam Penggunaan Komersial (Studi Kasus Mie Gacoan Bali)", *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial*, No. 10(2025): 3868 <https://doi.org/10.31604/jips.v12i10.2025.3866-3876>

¹⁰ Keputusan Menteri Hukum dan HAM Nomor: HKI.2.OT.03.01-02 Tahun 2016 tentang pengesahan Tarif Royalti untuk Pengguna yang Melakukan Pemanfaatan Komersial Ciptaan dan/atau Produk Hak Terkait Musik dan Lagu

cafés are not necessarily filled to capacity every day as targeted.¹¹ This tariff has raised concerns among business actors regarding the additional financial burden associated with playing music, thereby influencing changes in the management and provision of music services within the commercial domain.¹² This phenomenon reflects a cultural and structural dilemma among business actors, who tend to perceive music merely as a complementary element to create ambiance, rather than as an economic asset that requires compensation.

In perspective of Islamic law, compliance with regulations concerning copyright and royalty payments can be analyzed through the approach of *Sadd Adz-Dzari'ah*, or the principle of blocking the means to harm. This principle holds that something which is fundamentally permissible (*mubah*) may be restricted if it has the potential to cause harm or loss to others.¹³ Thus, the use of songs or music without permission and without the payment of royalties constitutes an act that opens the door to economic injustice and the violation of individual rights. Islam regards copyright as part of property rights (*haqq al-milkiyyah*) that must be protected, and any form of deriving benefit from another person's work without authorization is considered a violation of the principles of justice

¹¹ Aditya Novrian, "Kafe dan Restoran di Malang Dapat Tagihan Royalti" Radar Malang, 7 Agustus 2025, diakses 22 November 2025, https://radarmalang.jawapos.com/berita-terbaru/816401773/kafe-dan-restoran-di-malang-dapat-tagihan-royalti#google_vignette

¹² Fahmi Kharisma, Budi Agus Riswandi, "Pelaksanaan Pembayaran Royalti Atas Lagu Dalam Live Performance Kepada Pencipta Lagu Di Kafe Roemah Kesambi Kota Cirebon", *JIPRO: Journal of Intellectual Property*, No.(2023): 8 <https://doi.org/10.20885/jipro.vol5.iss1.art1>

¹³ Panji Adam, "Penerapan Sad Al-Dzari'ah Dalam Transaksi Muamalah", *Jurnal Istiqro: Jurnal Hukum Islam, Ekonomi dan Bisnis*, No. 1(2021): 30 <https://doi.org/10.30739/istiqro.v7i1.669>

and honesty in *muamalah* (transactions).¹⁴ Therefore, the application of the *Sadd Adz-Dzari'ah* theory in this context underscores that the obligation to pay royalties is not merely a legal-formal duty under positive law, but also a moral and religious obligation to prevent economic and social harm to creators of artistic works.

Various previous studies have examined the aspect of legal awareness among business actors in the implementation of royalty payments. A prior study by Fahmi Kharisma and Budi Agus Riswandi (2022) discussed the application of royalties at Roemah Kesambi Cafe in Cirebon based on Law No. 28 of 2014 and Government Regulation No. 56 of 2021, however, it did not examine the licensing mechanism in depth.¹⁵ Muhammad Rifqi Fadhil (2023) only examined the legal knowledge of cafe owners without providing a concrete description of the implementation of law and licensing policies.¹⁶ Meanwhile, Dio Alvinda Oktaviano (2024) highlighted the level of legal awareness among cafe owners in the Sudimoro area of Malang from the perspective of *maqāṣid al-sharī'ah*, but did not address the perspective of *Sadd Adz-Dzari'ah*.¹⁷ These studies have not

¹⁴ Ramadani Siregar, "Pendekatan Saddu Al-Dzari'ah dalam Studi Islam." *Jurnal Lentera: Kajian Keagamaan, Keilmuan Dan Teknologi*, No.1 (2023): 46 <https://doi.org/10.29138/lentera.v22i1.1038>

¹⁵ Fahmi Kharisma, Budi Agus Riswandi, "Pelaksanaan Pembayaran Royalti Atas Lagu Dalam Live Performance Kepada Pencipta Lagu Di Kafe Roemah Kesambi Kota Cirebon", *JIPRO: Journal of Intellectual Property*, No.(2023): 17 <https://doi.org/10.20885/jipro.vol5.iss1.art1>

¹⁶ Muhammad Rifqi Fadhil, "Pengetahuan Hukum Pemilik Kafe Atas Pembayaran Royalti Atas Live Music (Studi pada Kafe di Jl. Raya Dermo Kecamatan Dau Kabupaten Malang)", (Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2023), <http://etheses.uin-malang.ac.id/54421/>

¹⁷ Dio Alvinda Oktaviano, "Kesadaran Hukum Pemilik Kafe Terhadap Kewajiban Pembayaran Royalti Lagu Dalam Live Performance (Studi Pada Kafe Di Sentra Kafe Sudimoro Kota Malang)", *Journal of Islamic Business Law*, No.1 (2024): 80 <https://doi.org/10.18860/jibl.v8i1.7737>

extensively examined the implementation of song and music royalty licensing among cafe business actors in a specific manner based on Law No. 28 of 2014, nor have they integrated a combines the perspectives of positive law and *Sadd Adz-Dzari'ah*. Therefore, there remains a research gap to empirically investigate the implementation of royalty licensing among cafe business actors using these two legal perspectives in order to assess compliance, legal certainty, and the moral value of preventing copyright infringement in a comprehensive manner.

The selection of the research locations is based on the provisions of Article 20 paragraph (1) of Minister of Law and Human Rights Regulation No. 25 of 2025, which affirms that every person has the right to use songs and/or music commercially in the form of public services of a commercial nature, provided that they submit a license application and pay royalties to the creator, copyright holder, or related rights owner through LMKN. Furthermore, Article 21 letter (b) explains that such commercial public services include food and beverage businesses such as cafes.¹⁸ Based on these provisions, Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City are considered parties that bear a legal obligation to pay royalties for the use of registered songs and music through LMKN, insofar as such use contains commercial elements.

¹⁸ Pasal 20 dan 21 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

As previously outlined, this study is important and is conducted with two main objectives. First, from the perspective of positive law, this study aims to examine the implementation of copyright provisions and the obligation to pay royalties based on Law No. 28 of 2014 concerning Copyright and Government Regulation No. 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties among cafe business actors. This is necessary to assess the extent to which the law is implemented in practice, as well as the factors influencing why business actors do not make royalty payments in accordance with the applicable regulations. Second, from the perspective of Islamic law, this study seeks to analyze the relevance and application of the principle of *Sadd Adz-Dzari'ah* in the context of royalty payments as an effort to prevent potential injustice and harm. By integrating these two perspectives, this research is expected to provide a comprehensive understanding of both the legal and moral obligations in paying song and music royalties, as well as to contribute academically to strengthening copyright protection in Indonesia in alignment with the values of social justice and Sharia principles.

B. Research Question

The research questions formulated in this study are as follows:

1. How is the implementation of song and music royalty licensing by business actors at Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City based on Law Number 28 of 2014?

2. How does the perspective of *Sadd Adz-Dzari 'ah* assess the use of songs and music by business actors at Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City?

C. Research Objective

The objectives to be achieved in this study are as follows:

1. To identify and explain the implementation of song and music royalty licensing by business actors at Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City based on Law Number 28 of 2014 concerning Copyright, as well as to identifying the factors that influence the extent to which business actors comply with the provisions of the applicable laws and regulations..
2. To examine and analyze the implementation of song and music royalty licensing by Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City from the perspective of *Sadd Adz-Dzari 'ah*.

D. Research Significance

The research significance of this study are:

1. Theoretical Significance

To contribute to the development of legal science, particularly in the fields of copyright law and Islamic economic law. This research may serve as a scholarly reference regarding the implementation of licensing and royalty payments for songs and music based on Law Number 28 of 2014, while also integrating the principle of *Sadd Adz-Dzari 'ah* in

assessing the conformity of licensing practices with the values of justice and public benefit (*maslahah*) in Islamic law.

2. Practical Significance

a. For the Government and Royalty Management Institutions

To provide policy recommendations and concrete input to the government and royalty management institutions in formulating clearer, firmer, and fairer regulations regarding music royalty payment procedures, so as to avoid confusion and undue burden on business actors.

b. For Cafe Business Actors

To provide benefits for café business actors in fostering awareness of the importance of respecting copyright, as well as serving as a guideline for improving legal compliance.

c. For Academics and the Public

To provide an understanding of the obligation to pay royalties as a form of appreciation and fair compensation for song creators, to empower stakeholders in the music industry, and to foster a legal culture that respects intellectual property rights in order to support the sustainability of a healthy and balanced national creative ecosystem between the use of musical works and the legal protection of the rights embedded within them.

E. Operational Definitions

1. Implementation

Implementation refers to the execution of obligations, in this context the process of obtaining licenses and paying royalties for the commercial use of music by cafe business actors in accordance with applicable legal provisions. In this study, implementation explains whether the licensing practices are actually carried out in reality or not.

2. License

A license is a permit granted by the copyright holder to another party to use their work for a certain period and under specific conditions in exchange for compensation. In this study, a license is understood as an official authorization that must be obtained by cafe business actors to play digital music or present live performances in accordance with Law Number 28 of 2014 and other related regulations.

3. Royalty

A royalty is an economic compensation that must be paid by users of songs or music to the creator, copyright holder, or related rights owner for the commercial use of such works. In this study, royalties represent a form of appreciation and economic protection for song creators whose works are used in business activities such as digital music playback or live music performances in cafes.

4. Cafe

A cafe is a commercial public service business that provides food, beverages, and entertainment to consumers. In this study, a café is defined as a business establishment that utilizes musical works, either through public digital playback or live performances, as a supporting element of its operations, and is therefore obligated to comply with licensing and royalty payment regulations in accordance with applicable laws.

5. Positive Law

Positive law refers to the body of legal provisions that are formally in force in Indonesia, which serve as the basis for regulating the obligation to pay royalties for the commercial use of music, particularly as stipulated in Law Number 28 of 2014 concerning Copyright and other related regulations. In this study, positive law serves as the primary normative benchmark and a point of comparison against the empirical reality of licensing obligations and royalty payments in the field.

6. *Sadd Adz-Dzari'ah*

Sadd Adz-Dzari'ah is a concept in Islamic law that refers to the effort to block the means or prevent harm by avoiding actions that have the potential to produce negative consequences, including the unauthorized use of music that may disadvantage creators. In this study, *Sadd Adz-Dzari'ah* serves as an alternative normative foundation from the perspective of Islamic law in evaluating the practice of playing music in cafés, as well as

a preventive approach to assess the efforts of business actors in avoiding potential violations and harms arising from the commercial use of music.

F. Systematics of Discussion

The systematic of discussion of this thesis is as follows:

1. Chapter I: Introduction

Chapter I of this study is the introduction. This chapter consists of several explanatory components, namely the background of the problem, the research questions, the objectives of the study, and the significance of the study. The background of the problem provides a general overview of the issues discussed in this research. The study contains two research questions, and the objectives correspond to the number of those questions. The significance of this study is also divided into two aspects, namely benefits for the author and for the readers.

2. Chapter II: Literature Review

Chapter II of this study is the Literature Review. This chapter contains a review and critical analysis of literature or sources relevant to the research topic. It discusses both the theoretical framework and previous research. This research examines prior studies as well as the conceptual or theoretical framework relevant to the implementation of song and music royalty licensing among café business actors from the perspectives of positive law and *Sadd Adz-Dzari'ah*.

3. Chapter III: Research Methods

The research methods outlines the type of research method used in this study. It also explains the research approach, the research location, the data sources to be obtained, the data collection methods, and the data processing techniques.

4. Chapter IV: Result Findings and Discussion

Chapter IV presents the research findings and discussion, providing answers to the problems formulated in the research questions. This chapter elaborates on the implementation of song and music royalty licensing among café business actors at Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City, analyzed through the perspectives of positive law and *Sadd Adz-Dzari'ah*.

5. Chapter V: Conclusion

Chapter V of this study is the conclusion. This chapter serves as the final part of the research, containing the conclusions and recommendations. The conclusions present concise answers to the research questions outlined in Chapter I. The recommendations are directed to relevant stakeholders as well as to future researchers who may choose related topics or references.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

After conducting a literature review from various sources such as books, journals, the internet, as well as several studies and theses from various universities, the researcher found a number of studies or theses that share similarities or nearly identical substance, but differ in focus and analytical perspectives. Some of these studies include:

1. A study conducted by Ahmad Subekti and Eva Mir'atun Niswah (2024), entitled "Perlindungan Hukum Hak Cipta Terhadap Pemutaran Lagu Dalam Live Music Performance Perspektif Undang-Undang Hak Cipta Dan *Hifz Al-Mal* Di Kafe Purwokerto", focuses on the procedures for playing songs in live music performances in cafés in Purwokerto and the legal protection of such practices from the perspective of the Copyright Law and *hifz al-mal*.¹⁹ The research employs an empirical juridical method. The findings indicate that copyright violations are more relevant and serious in the context of large-scale concerts with significant financial impact, where the unauthorized use of songs may substantially harm copyright holders. In contrast, live music performances in cafés with minimal revenue and driven by humanitarian intentions, such as entertaining or supporting communities

¹⁹ Ahmad Subekti, Eva Mir'atun Niswah, "Perlindungan Hukum Hak Cipta Terhadap Pemutaran Lagu Dalam Live Music Performance Perspektif Undang-Undang Hak Cipta Dan *Hifz Al-Mal* Di Kafe Purwokerto", *el-Uqud: Jurnal Kajian Hukum Ekonomi Syariah*, No. 2(2024): 75-89 <https://ejournal.uinsaizu.ac.id/index.php/eluqud/article/download/12107/3954>

are not considered significant copyright violations from a humanitarian perspective and the principle of *hifz al-mal*.

2. A study conducted by Muhammad Ziyad Rif'ati (2024), entitled "Efektivitas Hukum Kewajiban Pembayaran Royalti Atas *Live Performance* Perspektif Maqasid Syariah (Studi Kasus Di Jl. Sudimoro Kecamatan Lowokwaru Kota Malang)", focuses on live music performances that typically play songs randomly without prior permission from the song creators.²⁰ The research employs an empirical method. The findings indicate that copyright protection concerning the use of live music performances has not been fully effective in its implementation, due to a lack of public knowledge and awareness, as well as the limited transparency and activeness of law enforcement, which have become major obstacles. As a result, live music performances are widely conducted freely within society. Furthermore, from the perspective of *maqāṣid al-sharī'ah*, when commercial actors fail to fulfill their obligation to pay royalties for copyrighted music, it reflects a failure to uphold the rights of creators and related rights holders. This condition also contributes to the widespread emergence of apathetic attitudes toward copyright protection laws, which implies a failure to preserve intellectual integrity (*hifz al-'aql*) in future generations.

²⁰ Muhammad Ziyad Rif'ati, "Efektivitas Hukum Kewajiban Pembayaran Royalti Atas Live Performance Perspektif Maqasid Syariah (Studi Kasus Di Jl. Sudimoro Kecamatan Lowokwaru Kota Malang)", (Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2024), <http://etheses.uin-malang.ac.id/id/eprint/72363>

3. A study conducted by Izrofil Halimatus Za'diah (2024), entitled "*A Sociological Review of Islamic Law on Live Music Performances Without Royalty Payments (A Case Study of Several Cafés in Kampung Inggris, Tulungrejo Village, Pare District, Kediri Regency)*", focuses on the analysis of several cafés, including Café NGP, Café JT, and Café UL, where the parties involved did not fulfill their obligation to pay royalties to the holders of music copyrights.²¹ The research employs an empirical method. The findings reveal that the practice of organizing live music performances in several cafés in Kampung Inggris cafe NGP, cafe JT, and cafe UL was carried out without paying royalties to the copyright holders. From the perspective of Islamic law, such practices are categorized as violations of others' property rights. Based on the perspective of the sociology of Islamic law, particularly through the theories of legal awareness and legal compliance, the violation of royalty rights by café owners is attributed to a low level of awareness of Islamic law, caused by a lack of legal knowledge and insufficient application of legal principles in daily life. Meanwhile, in terms of legal compliance, the level is also low due to obstacles arising from economic factors, education, and prevailing social habits within the community.
4. A study conducted by Dio Alvinda Oktaviano (2024), entitled "Kesadaran Hukum Pemilik Kafe Terhadap Kewajiban Pembayaran Royalti Lagu

²¹ Izrofil Halimatus Za'diah, "Tinjauan Sosiologi Hukum Islam Terhadap Pertunjukan Live Music Tanpa Membayar Royalti (Studi Kasus Beberapa Kafe di Kampung Inggris Desa Tulungrejo Kecamatan Pare Kabupaten Kediri)", (Undergraduate thesis IAIN Kediri, 2024), <https://etheses.iainkediri.ac.id/16186/>

Dalam *Live Performance* (Studi Pada Kafe Di Sentra Kafe Sudimoro Kota Malang)”, focuses on the analysis of 12 cafés in the Sudimoro café center, Lowokwaru District, Malang City, which provide live music as part of their services. Government Regulation No. 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties stipulates that the commercial use of songs or music in public service settings, such as cafés, must be accompanied by royalty payments to creators through LMKN.²² The research employs an empirical method. The findings indicate, first, that the level of legal awareness among café owners in the Sudimoro Café Center, Malang City is relatively low. The indicators used are those of legal awareness proposed by Prof. Soerjono Soekanto, namely legal knowledge, legal understanding, attitudes toward the law, and legal behavior. Second, from the perspective of *maqāṣid al-sharī‘ah*, when café owners fail to fulfill the obligation to pay royalties for music copyrights, it reflects their failure to uphold the rights of creators, copyright holders, and related rights owners. Consequently, this results in the inadequate preservation of property (*hifẓ al-māl*).

5. A study conducted by Winda Pertiwi, Firdaus, and Nurahim Rasudin (2024), entitled “Tanggung Jawab Pembayaran Royalti Kepada Pemegang Hak Cipta Lagu Dan/Atau Musik Oleh Pelaku Usaha Kafe Di Kecamatan Sail Kota Pekanbaru”, focuses on the commercial use of songs and music in

²² Dio Alvinda Oktaviano, “Kesadaran Hukum Pemilik Kafe Terhadap Kewajiban Pembayaran Royalti Lagu Dalam Live Performance (Studi Pada Kafe Di Sentra Kafe Sudimoro Kota Malang)”, *Journal of Islamic Business Law*, No.1 (2024): 80-88 <https://doi.org/10.18860/jibl.v8i1.7737>

cafés without paying royalties to copyright holders, which remains a common issue, including in Sail District, Pekanbaru City.²³ The research employs an empirical method. The findings indicate that the responsibility for royalty payments has not been properly implemented due to the limited understanding and awareness among café business actors regarding copyright protection and the obligation to pay royalties. Efforts that can be undertaken include enhancing socialization and education on copyright, as well as providing support for musicians in managing their copyright over their works. In conclusion, commitment and synergy among various stakeholders are required to achieve compliance in royalty payments in order to respect intellectual works and support the sustainability of the music industry.

6. A study conducted by Elsi Pratiwi, Kartika Dewi Irianto, and Jasman Nazar (2024), entitled “Pembayaran Royalti Atas Pemanfaatan Hak Cipta Lagu Yang Dimainkan Grup Band Di Kafe”, focuses on the use of live music as an attraction to increase customer visits to cafés. In every such utilization, there are economic rights that belong to the creators, copyright holders, or related rights owners.²⁴ The research employs an empirical juridical method. The findings indicate that royalty management has been regulated under the

²³ Winda Pertiwi, Firdaus, Nurahim Rasudin, “Tanggung Jawab Pembayaran Royalti Kepada Pemegang Hak Cipta Lagu Dan/Atau Musik Oleh Pelaku Usaha Kafe Di Kecamatan Sail Kota Pekanbaru.” *Innovative: Journal Of Social Science Research* No. 4 (2024): 8126-8138 <http://j-innovative.org/index.php/Innovative/article/view/11024>

²⁴ Elsi Pratiwi, Kartika Dewi Irianto, Jasman Nazar, “Pembayaran Royalti Atas Pemanfaatan Hak Cipta Lagu Yang Dimainkan Grup Band Di Kafe”, *Sakato Law Journal*, No.1(2024): 17-24 <https://jurnal.umsb.ac.id/index.php/SLJ/article/view/5408>

law; however, it has not been effectively implemented among commercial users. Royalty payments for songs performed by band groups in cafés are generally not carried out due to a lack of socialization regarding existing regulations, the absence of an authorized institution to collect royalties, and the insufficient income earned by both café owners and band groups to cover the royalty fees stipulated by law.

7. A study conducted by Muhammad Rifqi Fadhil (2023), entitled “Pengetahuan Hukum Pemilik Kafe Atas Pembayaran Royalti Atas Live Music (Studi pada Kafe di Jl. Raya Dermo Kecamatan Dau Kabupaten Malang)”, focuses on the challenges faced by café owners in implementing copyright protection for songs and music.²⁵ The research employs an empirical method. The findings indicate that café owners’ knowledge of Government Regulation No. 56 of 2021 concerning the management of song and/or music copyright royalties remains limited, as evidenced by the fact that many café owners are unfamiliar with the regulation. Furthermore, there are issues related to the imbalance between income and expenses. For cafés whose daily revenue falls below target, paying royalties at a rate of IDR 120,000 per seat becomes a significant financial burden, thereby hindering the implementation of royalty payment obligations.
8. A study conducted by Nindhitya Mega Putri Syaharani, Chrisna Bagus Edhita Praja, and Hary Abdul Hakim (2023), entitled “Studi Ke patuhan

²⁵ Muhammad Rifqi Fadhil, “Pengetahuan Hukum Pemilik Kafe Atas Pembayaran Royalti Atas Live Music (Studi pada Kafe di Jl. Raya Dermo Kecamatan Dau Kabupaten Malang)”, (Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2023), <http://etheses.uin-malang.ac.id/54421/>

Musisi dan Penyedia Layanan Berbasis Komersial dalam Membayar Royalti”, focuses on the promotion of products sold in cafés, which is often accompanied by the playing of songs and/or music, where there are indications of violations in the implementation of royalty management that should be carried out by the National Collective Management Organization (LMKN), thereby disadvantaging creators.²⁶ The research employs an empirical juridical method. The findings indicate that the level of compliance among musicians and commercial service providers in fulfilling their obligation to pay royalties remains low. Based on the labour doctrine principle, which views royalties as a form of appreciation for creative works aimed at fulfilling the economic rights of creators or related rights owners, such non-compliance contradicts the principle of justice. This condition is influenced by the weak enforcement of Government Regulation Number 56 of 2021.

9. A study conducted by Alisa Qotrunada Munawaroh (2023), entitled “Efektivitas Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Lagu dan Musik pada Kafe dan Tempat Karaoke atas Penggunaan Secara Komersial (Studi Penelitian di Kabupaten Gianyar dan Denpasar)”, focuses on assessing the effectiveness of the implementation of Government Regulation No. 56 of 2021 regarding the obligation of café and karaoke business actors to pay royalties to creators or

²⁶ Nindhitya Mega Putri Syaharani, Chrisna Bagus Edhita Praja, Hary Abdul Hakim, “Studi Kepatuhan Musisi dan Penyedia Layanan Berbasis Komersial dalam Membayar Royalti.” *Borobudur Law and Society Journal* No. 4 (2023): 176-187 <https://doi.org/10.31603/10041>

copyright holders.²⁷ The research employs an empirical legal method. The findings indicate that the implementation of Government Regulation No. 56 of 2021 remains ineffective, as most business actors in Gianyar Regency and Denpasar have not fulfilled their obligation to pay royalties, primarily due to limited socialization and lack of knowledge regarding the regulation. Although the government has undertaken several efforts, such as increasing public outreach and coordination with the National Collective Management Organization (LMKN), its implementation has not yet been optimal in fostering legal compliance within the commercial entertainment sector.

10. A study conducted by Fahmi Kharisma and Budi Agus Riswandi (2022), entitled “Pelaksanaan Pembayaran Royalti Atas Lagu Dalam *Live Performance* Kepada Pencipta Lagu Di Kafe Roemah Kesambi Kota Cirebon”, focuses on the implementation of royalty payments for songs performed in live performances at Kopi Roemah Kesambi Café, Cirebon City, in relation to Law Number 28 of 2014 and Government Regulation Number 56 of 2021, as well as the legal remedies available to creators when their songs are performed without permission.²⁸ The research employs an empirical method. The findings indicate that live music performances held at Kopi Roemah Kesambi Café, Cirebon City, had obtained the necessary

²⁷ Alisa Qotrunada Munawaroh, “Efektivitas Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/ Musik Pada Kafe Dantempat Karaoke Atas Penggunaan Secara Komersial (Studi Penelitian di Kabupaten Gianyar dan Denpasar)”, *Amar: Jurnal Ilmiah Hukum*, No.2(2023): 19-45

<https://jurnal.untag-banyuwangi.ac.id/index.php/jurnalamar/article/view/223>

²⁸ Fahmi Kharisma, Budi Agus Riswandi, “Pelaksanaan Pembayaran Royalti Atas Lagu Dalam Live Performance Kepada Pencipta Lagu Di Kafe Roemah Kesambi Kota Cirebon”, *JIPRO: Journal of Intellectual Property*, No.(2023): 1-19 <https://doi.org/10.20885/jipro.vol5.iss1.art1>

business permits prior to the performances. The calculation of royalties payable by the café to the Collective Management Organization (CMO) was set at 3% of total sales on the day the live music performance was conducted. Legal remedies available to creators in cases of unauthorized use of songs in live performances include Alternative Dispute Resolution (ADR), civil lawsuits as regulated under Article 97 paragraph (1) of the Copyright Law, and criminal proceedings as stipulated in Article 113 paragraphs (1), (2), and (3) of the Copyright Law.

Table 1.1 Previous Research

No.	Title, Researchers Name, Year	Similarities	Differences
1.	“Perlindungan Hukum Hak Cipta Terhadap Pemutaran Lagu Dalam Live Music Performance Perspektif Undang-Undang Hak Cipta Dan Hifz Al-Mal Di Kafe Purwokerto”. Ahmad Subekti, Eva Mir’atun Niswah (2024)	Both studies discuss legal protection for the performance of songs in live music at cafés and employ an Islamic law approach.	They differ in that the study by Ahmad Subekti and Eva Mir’atun Niswah emphasizes legal protection and the principle of <i>Hifz al-Mal</i> , whereas this study focuses on the implementation of royalty licensing with a Positive Law and <i>Sadd Adz-Dzari’ah</i> approach.
2.	“Efektivitas Hukum Kewajiban Pembayaran Royalti Atas Live Performance Perspektif Maqasid Syariah (Studi Kasus Di Jl. Sudimoro Kecamatan Lowokwaru Kota Malang)”, Muhammad Ziyad Rif’ati (2024)	Both studies examine café owners as the research subjects and address the issue of the effectiveness of royalty regulations.	Muhammad Ziyad Rif’ati’s study evaluates legal effectiveness and <i>maqāṣid sharī’ah</i> , whereas this research emphasizes the licensing process and the prevention of violations through <i>Sadd Adz-Dzari’ah</i> .

3.	<p>“Tinjauan Sosiologi Hukum Islam Terhadap Pertunjukan Live Music Tanpa Membayar Royalti (Studi Kasus Beberapa Kafe di Kampung Inggris Desa Tulungrejo Kecamatan Pare Kabupaten Kediri)”, Izrofil Halimatus Za’diah (2024)</p>	<p>Both studies discuss violations of royalty payment obligations for live music and provide an analysis from the perspective of Islamic law.</p>	<p>The study by Izrofil Halimatus Za’diah focuses on Islamic legal sociology and public legal awareness, whereas this research emphasizes the implementation of licensing permissions under positive law and the preventive value of <i>Sadd Adz-Dzari’ah</i>.</p>
4.	<p>“Kesadaran Hukum Pemilik Kafe Terhadap Kewajiban Pembayaran Royalti Lagu Dalam Live Performance (Studi Pada Kafe Di Sentra Kafe Sudimoro Kota Malang)”, Dio Alvinda Oktaviano (2024)</p>	<p>Both studies employ an empirical approach and examine café owners regarding their royalty obligations.</p>	<p>The study by Dio Alvinda Oktaviano assesses legal awareness based on Soerjono Soekanto's theory, whereas this research examines the licensing mechanism and the perspective of positive law and Islamic law.</p>
5.	<p>“Tanggung Jawab Pembayaran Royalti Kepada Pemegang Hak Cipta Lagu Dan/Atau Musik Oleh Pelaku Usaha Kafe Di Kecamatan Sail Kota Pekanbaru”, Winda Pertiwi, Firdaus, Nurahim Rasudin (2024)</p>	<p>Both studies investigate the compliance of café business owners with the obligation to pay royalties.</p>	<p>The study by Winda Pertiwi, Firdaus, and Nurahim Rasudin focuses on legal responsibility and education, whereas this research emphasizes the licensing process, compliance with royalty obligations, and the <i>Sadd Adz-Dzari’ah</i> analysis as a preventive measure against violations.</p>
6.	<p>“Pembayaran Royalti Atas Pemanfaatan Hak Cipta Lagu Yang Dimainkan Grup Band Di Kafe” Elsi Pratiwi,</p>	<p>Both studies examine the commercial use of music in cafés and the implementation</p>	<p>The study by Elsi Pratiwi, Kartika Dewi Irianto, and Jasman Nazar highlights the lack of socialization and the absence of a royalty-collecting institution,</p>

	Kartika Dewi Irianto, Jasman Nazar (2024)	of royalty obligations.	whereas this research examines the implementation of licensing permits and the preventive principles against violations in Islamic law.
7.	“Pengetahuan Hukum Pemilik Kafe Atas Pembayaran Royalti Atas Live Music (Studi pada Kafe di jl. Raya Dermo Kecamatan Dau Kabupaten Malang)”, Muhammad Rifqi Fadhil (2023)	Both studies examine café owners as the research subjects and address the issue of compliance with royalty regulations.	Muhammad Rifqi Fadhil's study focuses on the legal knowledge level of business actors, whereas this study emphasizes the implementation of licensing permits and compliance within the context of two legal perspectives.
8.	“Studi Kepatuhan Musisi dan Penyedia Layanan Berbasis Komersial dalam Membayar Royalti”, Nindhitya Mega Putri Syaharani, Chrisna Bagus Edhita Praja, Hary Abdul Hakim (2023)	Both studies examine owners of commercial service providers as research subjects and address the issue of compliance with royalty regulations.	The study by Nindhitya Mega Putri Syaharani, Chrisna Bagus Edhita Praja, and Hary Abdul Hakim focuses on the compliance of musicians and commercial actors in general, whereas this study specifically examines café business owners using an Islamic law approach (<i>Sadd Adz-Dzari 'ah</i>)
9.	“Efektivitas Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/ Musik Pada Kafe Dantempat Karaoke Atas Penggunaan Secara Komersial (Studi Penelitian di Kabupaten Gianyar dan Denpasar)”, Alisa	Both studies examine the implementation of Government Regulation No. 56 of 2021 in the context of cafés and the commercial use of music.	The study by Alisa Qotrunada Munawaroh focuses on the effectiveness of implementing the government regulation at the district level, whereas this research emphasizes the licensing mechanism specifically in cafés and analyzes it from the perspectives of positive law and <i>Sadd Adz-Dzari 'ah</i> .

	Qotrunada Munawaroh (2023)		
10.	“Pelaksanaan Pembayaran Royalti Atas Lagu Dalam Live Performance Kepada Pencipta Lagu Di Kafe Roemah Kesambi Kota Cirebon”, Fahmi Kharisma, Budi Agus Riswandi (2022)	Both studies examine the implementation of royalty payments by café business operators to song creators.	he study by Fahmi Kharisma and Budi Agus Riswandi focuses solely on the royalty payment mechanism and legal remedies, whereas this study also examines the prevention of violations through <i>Sadd Adz-Dzari‘ah</i> .

Previous studies have examined aspects of business actors’ legal awareness in the implementation of royalties. However, these studies have not extensively analyzed the implementation of music royalty licenses for café operators specifically based on Law No. 28 of 2024, and compliance assessments have not integrated both positive law and the *Sadd Adz-Dzari‘ah* approach. Therefore, there remains an opportunity to empirically investigate the implementation of royalty licensing by café businesses using these two legal perspectives to evaluate compliance and the moral value of preventing copyright violations in a comprehensive and evidence-based manner.

B. Theoretical Framework

Theoretical framework is a crucial stage in the research process, serving as a benchmark to examine the issues under study. Its purpose is to present the theoretical review used as a reference for analyzing the implementation of royalty licenses by café business operators. In this study,

the theoretical review will focus on the Legal Basis of Music and/or Song Copyright and the concept of *Sadd Adz-Dzari'ah*.

1. Legal Basis of Music and/or Song Copyright
 - a. Basic Concept of Copyright

Copyright represents the exclusive right held by the creator of a work in the fields of science, arts, and literature.²⁹ Under Indonesian law, copyright regulation is governed by Law No. 28 of 2014 on Copyright, which affirms that copyright arises automatically once a work is realized in a tangible form.

According to Law No. 28 of 2014, copyright is an exclusive right of the creator that emerges automatically based on the declarative principle once the creation has been manifested in a concrete form.³⁰ This protection covers works in science, art, and literature, and does not require formal registration to be enforceable. Legal protection extends to both the physical form of the work and the expression of ideas contained within it.

The scope of copyright protection includes various types of works, including songs and music, with or without lyrics. This means that any use of songs and music by third parties must respect the rights attached to the creator.

As stipulated in Law No. 28 of 2014, copyright grants creators or copyright holders the exclusive right to publish and reproduce their works,

²⁹ Reylandho Cornelius Talahatu, Teng Berlianty, Agustina Balik. "Perlindungan Hak Ekonomi Pencipta Dan Pemegang Hak Cipta Atas Pemutaran Musik Atau Lagu Di Kafe Dan Restoran." *KANJOLI Business Law Review* No.1, Vol.2, (2023): 83

³⁰ Pasal 1 Angka 1 Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta

including songs and music. Consequently, commercial use of songs and music by café businesses constitutes a form of exploitation that requires obtaining a license and paying royalties to the creator and relevant rights holders through the National Collective Management Agency (LMKN).

This framework establishes the legal basis for evaluating compliance with copyright obligations in commercial settings, particularly in cafés and similar venues that utilize music as part of their business operations.

b. Economic Rights and Moral Rights

In copyright, there are two rights inherent to the creator, namely: moral rights and economic rights. Moral rights are rights that must remain permanently attached to the work created by the author, whereas economic rights are rights that provide economic benefits to the creator.³¹ These two rights are regulated in separate articles under Law No. 28 of 2014 on Copyright. Although regulated separately, the law states that both rights are exclusive in nature. Copyright is essentially an exclusive right belonging to the creator and encompasses both moral and economic rights. Exclusive rights mean rights that are reserved only for the creator, so no other party may utilize the work without permission. A copyright holder who is not the original creator possesses only a portion of these exclusive rights, limited to economic rights.³²

³¹ Pasal 5 dan Pasal 8 Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta

³² Haji OK Saidin, *Aspek Hukum Hak Kekayaan Intelektual (Intellectual Property Rights)*, (Jakarta: Rajawali Pers, 2015), 233

Creators or copyright holders have the authority to utilize their works to obtain economic benefits, including³³:

- 1) Publication of the work
- 2) Reproduction of the work in any form
- 3) Translation of the work
- 4) Adaptation, arrangement, or transformation of the work
- 5) Distribution of the work or its copies
- 6) Performance of the work
- 7) Public disclosure of the work
- 8) Communication of the work and
- 9) Rental or leasing of the work.

Anyone exercising these economic rights must obtain permission from the creator or copyright holder. According to Government Regulation No. 56 of 2021, the commercial use of songs and/or music in public services includes performance, public announcement, and communication of works, in both analog and digital forms.³⁴ Public services cover various business sectors, such as restaurants, cafés, concerts, transportation, hotels, shopping centers, and karaoke establishments.³⁵ Therefore, any party using songs or

³³ Pasal 9 Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta

³⁴ Pasal 2 Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Dan/Atau Musik

³⁵ Pasal 3 ayat (2) Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Dan/Atau Musik

music commercially is required to pay royalties to the creator or copyright holder through the National Collective Management Agency (LMKN).³⁶

c. Licensing Obligations and Royalty Payments

A license is a written permission granted by the copyright holder or related rights owner to another party to use or exercise the economic rights of a creation or related rights product within specific limits and conditions. These rights inherently belong to the creator and can only be held after the work has been completed.³⁷ The copyright holder or related rights owner has the authority to grant a license to another party through the National Collective Management Agency (LMKN) to exercise economic rights.

Licensing is implemented through LMKN and authorized Collective Management Organizations (CMOs). Licenses are limited in duration and cannot exceed the term of the copyright or related rights.³⁸ During the license period, the licensee is obligated to pay royalties to the copyright holder or related rights owner as a form of recognition and compensation for the economic use of the work.

Royalties are the compensation for utilizing the economic rights of a creation or related rights product, received by the creator or rights owner.

³⁹ Economic compensation for song creators or related rights owners (such

³⁶ Pasal 3 ayat (1) Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Dan/Atau Musik

³⁷ Prima Tiara Muthi'ah Rizky Asihatka, "Lisensi Royalti Penggunaan Hak Cipta Lagu Untuk Kepentingan Yang Bersifat Komersial", *Borneo Law Review*, No.2(2024): 116
<http://jurnal.borneo.ac.id/index.php/bolrev/article/view/6197>

³⁸ Pasal 80 Ayat (1) dan (2) Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta

³⁹ Pasal 1 Ayat (21) Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta

as music publishers, recording artists, composers, etc.) is obtained when the music is used by another party. This use may include public performance (live performance), radio/TV broadcasting, digital use (streaming, downloads), synchronization with video/film, and other forms.⁴⁰ Royalties form part of the economic rights protected declaratively under copyright law. This provision emphasizes that licensing functions as a legal mechanism that balances the protection of the creator's economic rights with the interests of users of the work.

The details of royalty fees are guided by the Decree of the Minister of Law and Human Rights Number: HKI.2.OT.03.01-02 of 2016. This regulation governs the standardization of rates for parties utilizing copyrighted works or related rights products in music and songs for commercial purposes.⁴¹

Table 2.2 Royalty Rates for Songs and Music General Category

Jenis Usaha	Komponen Royalti	Tarif per Tahun	Dasar Perhitungan
Kafe & Restoran	Royalti Pencipta	Rp60.000	Per Kursi
	Royalti Hak Terkait	Rp60.000	Per Kursi

⁴⁰ Daffa Okta Permana, Esther Masri, Clara Ignatia Tobing, "Implementasi Royalti Terhadap Pencipta Lagu Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta." *Krtha Bhayangkara* No. 2 (2021): 322

<https://ejurnal.ubharajaya.ac.id/index.php/KRTHA/article/view/1124>

⁴¹ Keputusan Menteri Hukum dan HAM Nomor: HKI.2.OT.03.01-02 Tahun 2016 tentang pengesahan Tarif Royalti untuk Pengguna yang Melakukan Pemanfaatan Komersial Ciptaan dan/atau Produk Hak Terkait Musik dan Lagu, ditetapkan tanggal 20 mei 2016

Table 2.3 Royalty Rates for Songs and Music Live Event Category

Jenis Kegiatan	Dasar Pengenaan Royalti	Tarif
Konser Berbayar	Hasil kotor tiket + 1% tiket gratis	2%
Konser Gratis	Total Biaya Produksi Musik	2%

The Decree of the Minister of Law and Human Rights Number: HKI.2.OT.03.01-02 of 2016 establishes standardized rates for parties utilizing copyrighted works or related rights products in music and songs for commercial purposes, specifying that culinary businesses playing music, such as cafés and restaurants, must pay IDR 60,000 per seat at least once annually, determined by the total accumulated seats each year. Likewise, live music performances are treated similarly to free concerts, with royalties calculated as 2% of the music production cost.⁴²

The implementation of this royalty regulation directly positions music as a fixed cost component for café and restaurant businesses. Calculations based on the annual accumulation of seats require entrepreneurs to integrate copyright expenses into their annual budget planning, rather than treating them as incidental costs. On the other hand, the cost scheme for live music performances presents its own challenges, as the amount is variable and depends on the scale of the performance. This indicates that the greater the investment in the quality of a music

⁴² Keputusan Menteri Hukum dan HAM Nomor: HKI.2.OT.03.01-02 Tahun 2016 tentang pengesahan Tarif Royalti untuk Pengguna yang Melakukan Pemanfaatan Komersial Ciptaan dan/atau Produk Hak Terkait Musik dan Lagu, ditetapkan tanggal 20 mei 2016

performance, the higher the royalty contribution that must be paid to the copyright holders.

To facilitate the fulfillment of royalty payment obligations, LMKN provides an online payment mechanism through the website lisensi.lmkn.id, which simplifies royalty payments for business actors.⁴³

MEKANISME PEMBAYARAN ROYALTI

Kategori General Melalui Pelaksana Harian LMKN



Picture 1.1 Royalty Payment Mechanism General Category
(Source: *lmkn.id*)

The general license application process for cafés begins by selecting the appropriate category from 15 options available on the official LMKN website. New users are required to register an account first by completing a personal data form and verifying via email to activate the account. Once successfully signed in, applicants can access the application form menu on the dashboard to fill in complete details about the public service and business address. This data entry stage concludes with the applicant

⁴³ <https://www.lmkn.id/>

agreeing to the declaration form and saving the changes, after which the application proceeds to verification by LMKN.

If the application is approved, the system will issue a proforma document as the basis for payment through the provided virtual account number. Once the transaction is successful, the applicant will automatically receive an invoice as valid proof of payment. This procedure is considered complete when LMKN uploads the tax invoice and the system issues the digital license certificate, signifying that the applicant's use of musical works is officially registered and legally compliant.



Picture 1.1 Royalty Payment Mechanism Live Event Category
(Source: *lmkn.id*)

However, there are several differences in the license application process for the live event category. The live event license application begins by accessing the “Submit License” menu on the LMKN website and selecting the appropriate event category, such as a music concert. New users must register an account by providing personal identification and verifying

via email to activate the account. Once logged in, users access the dashboard to create a new application by completing organizer information, tax details (NPWP), and the event location using the available map feature.

At the technical stage, applicants must specify the type of concert (paid or free) and upload a song list (logsheet) using the official system template. Including the song creators' names in the logsheet is crucial to ensure royalties are properly distributed and to avoid unclaimed status. Once all documents and event data are uploaded, LMKN will perform verification. If approved, the system issues a Proforma Invoice to be paid via Virtual Account. The procedure is considered complete when the system automatically issues the Invoice, Tax Invoice, and License Certificate as official proof of music use.

The fundamental difference between the two mechanisms lies in the complexity of song material data and the cost structure. For live event license applications, applicants are required to upload a logsheet or a specific list of songs to be performed, along with production costs or ticket sales details as the basis for calculating incidental royalties. In contrast, general license applications focus more on administrative data, such as business identity and physical location, because the rates are generally fixed (flat) based on the business category, such as the number of seats or room size, with a validity period that is typically annual.

Royalty management is conducted in an integrated manner by LMKN, covering the entire process from license application, reporting of

song usage, to royalty payment.⁴⁴ Even the use of songs without a licensing agreement is permissible under certain conditions, provided that royalty payment obligations are still fulfilled.⁴⁵ The determination of royalty amounts and the procedure for granting royalties are based on a licensing agreement between the copyright holder or related rights owner and the licensee. The royalty amount in such agreements must be established according to customary practices in the industry, for example, a certain percentage of revenue, a rate per total number of seats, or a fixed fee per use.⁴⁶

These industry standards can vary between countries, music genres, and types of usage. In this context, the royalty payment mechanism through the National Collective Management Organization (LMKN) represents a concrete form of economic rights protection for creators and serves as an implementation of the principle of fairness in the distribution of benefits from intellectual works.

2. *Sadd Adz-Dzari'ah*

a. Definition and Conceptual Basis of *Sadd Adz-Dzari'ah*

Etymologically, the word *sadd* (سد) means “to close,” and the word *dzari'ah* (ذريعة) means “means” or “path to a goal.” Thus, in linguistic terms, *Sadd Adz-Dzari'ah* means “closing the path to a goal.” From the perspective

⁴⁴ Pasal 8 dan Pasal 9 Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Dan/Atau Musik

⁴⁵ Pasal 10 ayat (2) dan (3) Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Dan/Atau Musik

⁴⁶ Pasal 80 Ayat (5) Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta

of *ushul fiqh* (Islamic jurisprudence principles), *Sadd Adz-Dzari'ah* refers to: “carrying out an action that initially has benefit (*maslahah*), but ultimately results in harm (*mafsadah*).” In other words, it is performing an action that is essentially permissible because it provides some benefit, yet it ends up causing harm. For example, digging a well secretly in a crowded area for water may be beneficial in obtaining water, but it could cause others to fall into the well, thereby producing harm.⁴⁷ In this sense, the act that begins with an intention for benefit ultimately generates negative consequences, which *Sadd Adz-Dzari'ah* seeks to prevent.

The principle of *Sadd Adz-Dzari'ah* is also highly relevant in a modern context, where technological advancements and societal developments create wider opportunities for potential violations. For instance, the use of social media is fundamentally *mubah* (permissible). However, if social media is employed to spread slander, pornography, or engage in actions that violate Sharia law, its use becomes prohibited.⁴⁸ Therefore, in applying *Sadd Adz-Dzari'ah*, a Muslim must exercise caution to avoid falling into sinful behavior.

In practice, the implementation of *Sadd Adz-Dzari'ah* requires prudence and wisdom. Not every means that has potential for harm (*mafsadah*) should be outright prohibited, especially if the benefits outweigh the risks. Hence, scholars must conduct thorough studies of Sharia

⁴⁷ Kasuwi Saiban, *Metode Penetapan Hukum Islam: Membangun Madzhab Fiqih Kontemporer di Indonesia*, (Malang: Setara Press, 2019), 81

⁴⁸ Umi Khusnul Khotimah, *Pendekatan Fikih Dan Ushul Fikih: Kajian Sumber-Sumber Hukum Islam Dan Metodologi Ijtihad*, (Lamongan: Nawa Litera Publishing, 2025), 145

evidence (*dalil syar'i*) while weighing the benefits (*maslahah*) and harms (*mafsadah*) involved. This aligns with the fiqh principle stating, “Preventing harm takes precedence over acquiring benefit.”

Furthermore, it is important to understand that *Sadd Adz-Dzari'ah* is not intended to excessively restrict human freedom, but rather serves as a protective measure for individuals and society. Islam is a balanced and moderate religion, always weighing human needs on one side while preserving the integrity of Sharia on the other.⁴⁹ Therefore, the application of *Sadd Adz-Dzari'ah* must be carried out with caution so as not to unnecessarily hinder actions that are *mubah* (permissible) without clear and compelling reasons.

Another example can be found in the economic sphere, where the practice of *riba* (usury) is strictly prohibited in Islam due to its harmful impact on the financial system and its potential to exploit vulnerable parties. However, the prohibition extends beyond *riba* itself to any means that could lead to *riba* practices. For instance, selling financial products containing *riba* elements or offering loans with hidden interest. This prohibition is implemented based on the principle of *Sadd Adz-Dzari'ah* to prevent greater harm (*mafsadah*) to society.

⁴⁹ Umi Khusnul Khotimah, *Pendekatan Fikih Dan Ushul Fikih: Kajian Sumber-Sumber Hukum Islam Dan Metodologi Ijtihad*, (Lamongan: Nawa Litera Publishing, 2025), 146

b. Types of *Sadd Adz-Dzari'ah*

Abu Zahra categorizes *Sadd Adz-Dzari'ah* based on the quality of the potential *mafsadah* (harm) into four types⁵⁰:

- 1) Actions that will certainly result in *mafsadah*. For example, digging a well in a crowded area as in the previous example. Such actions are prohibited because the harm is certain.
- 2) Actions that rarely result in *mafsadah*. For instance, digging a well in a location where it is unlikely that others could fall into it. Such actions are permitted because the risk of harm is minimal.
- 3) Actions that are highly likely to cause *mafsadah*. For example, selling wine to someone who habitually makes or consumes *khamr* (intoxicants). These actions are prohibited because the probability of harm is significant.
- 4) Actions that fundamentally contain benefit (*maslahah*), but also have the potential to bring *mafsadah*. An example is *Bai'al-Ajal* (deferred sale), a type of transaction where the sold item appears to exist but is fictitious in practice.

For instance, a person buys a car for 40 million rupiah on credit, then simultaneously sells it back to the original seller for 25 million rupiah in cash, while still owing the remaining 15 million due at the credit term. This practice causes harm to the buyer because the transaction creates the illusion

⁵⁰ M. Noor Harusudin, *Pengantar Studi Fiqih*, (Surabaya: Pena Salsabila, 2013), 85

that the item exists, while the seller gains excessive profit. According to al-Syathibi, such sales practices are prohibited.⁵¹

c. Basis and Authority of *Sadd Adz-Dzari'ah*

Among Islamic scholars, there is a difference of opinion regarding the use of *Sadd Adz-Dzari'ah* as a *hujjah* (legal argument) in determining Islamic law. In this regard, scholars of the Maliki and Hanbali schools argue that *Sadd Adz-Dzari'ah* can be accepted as a valid legal basis in formulating Islamic rulings.⁵²

Their reasoning includes:

1) The Divine Command in Surah Al-An'am, verse 108:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ...

Which means: "And do not insult those they invoke besides Allah, lest they insult Allah in excess without knowledge..." (QS. 6:108).

The verse prohibits a person from insulting the idols of the polytheists, because they might in turn insult Allah SWT with the same or even greater insults. This prohibition exemplifies *Sadd Adz-Dzari'ah* as performing the act would likely result in greater harm, namely, disrespecting Allah.

2) There are numerous hadiths supporting the authority of *Sadd Adz-Dzari'ah*, including narrations recorded by Imam Bukhari, as follows⁵³:

⁵¹ M. Noor Harusudin, *Pengantar Studi Fiqih*, (Surabaya: Pena Salsabila, 2013), 86

⁵² Kasuwi Saiban, *Metode Penetapan Hukum Islam: Membangun Madzhab Fiqih Kontemporer di Indonesia*, (Malang: Setara Press, 2019), 83

⁵³ Kasuwi Saiban, *Metode Penetapan Hukum Islam: Membangun Madzhab Fiqih Kontemporer di Indonesia*, (Malang: Setara Press, 2019), 84

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
 إِنَّ مِنْ أَكْبَرِ الْكِبَائِرِ أَنْ يَلْعَنَ الرَّجُلُ وَالِدَيْهِ قَبْلَ يَا رَسُولَ اللَّهِ وَكَيْفَ يَلْعَنُ الرَّجُلُ
 وَالِدَيْهِ قَالَ يَسُبُّ الرَّجُلُ أَبَا الرَّجُلِ فَيَسُبُّ أَبَاهُ وَيَسُبُّ أُمَّهُ {رواه البخاري}

Which means: *From Abdullah bin Umar (RA), he narrated that the Prophet Muhammad (SAW) said: “Indeed, among the greatest of sins is for a person to curse another person’s parents.” Then he was asked, “O Messenger of Allah, how can someone curse another person’s parents?” The Prophet (SAW) replied: “A person insults someone else’s father, and then that person in turn insults both the father and mother of the first person.”* (HR. Bukhari).

The hadith above demonstrates that *Sadd Adz-Dzari’ah* serves as a valid basis (*hujjah*) in Islamic law, because the essence of the hadith is preventive, although the harm is only a possibility, the Prophet Muhammad SAW prohibited it on that basis.

Meanwhile, according to Hanafiyah and Syafi’iyah, although they do not explicitly cite *Sadd Adz-Dzari’ah* as a legal proof, implicitly accept it. They apply it in cases where the anticipated harm (*mafsadah*) is certain or at least highly likely to occur. Consequently, they recognize *Sadd Adz-Dzari’ah* as a legal argument in specific matters while rejecting its application in others where the risk is minimal or uncertain.

The Zhahiriyyah scholars, on the other hand, reject *Sadd Adz-Dzari’ah* as a legal proof (*hujjah*) in the formulation of Islamic law. One

reason cited for this rejection is a hadith narrated by Abu Hurairah (RA), as follows⁵⁴:

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِذَا كَانَ أَحَدُكُمْ الصَّلَاةَ
فَوَجَدَ حَرَكَةً فِي دُبُرِهِ أَحَدَثَ أَوْ لَمْ يُجِدْ فَأَشْكَلَ عَلَيْهِ فَلَا يَنْصَرِفُ حَتَّى يَسْمَعَ
صَوْتًا أَوْ يَجِدَ رِيحًا {رواه أبو داود}

Which means: *From Abu Hurairah (RA), it is narrated that the Prophet Muhammad (peace be upon him) said: "If any of you is praying and feels a movement in the anus, and it is unclear whether his wudu is invalidated or not, he should not leave the prayer until he hears a sound or smells an odor."* (HR. Abu Dawud).

This hadith demonstrates that the Prophet Muhammad SAW considered a person still in a state of purity when there was doubt about whether they had passed wind, until there was clear evidence through sound or smell.

According to Ibn Hazm, this hadith implies that *Sadd Adz-Dzari'ah* cannot be used as a legal proof (*hujjah*), because the Prophet did not command performing wudu in the case above, even though there was doubt or concern that the person might have passed wind.

d. Elements and Conditions of Sadd Adz-Dzari'ah

Elements of *Sadd Adz-Dzari'ah* an element (*rukun*) is a fundamental component that must exist within a legal ruling. The elements of *Sadd Adz-Dzari'ah* include⁵⁵:

⁵⁴ Kasuwi Saiban, *Metode Penetapan Hukum Islam: Membangun Madzhab Fiqih Kontemporer di Indonesia*, (Malang: Setara Press, 2019), 85

⁵⁵ Umi Khusnul Khotimah, *Pendekatan Fiqih Dan Ushul Fiqih: Kajian Sumber-Sumber Hukum Islam Dan Metodologi Ijtihad*, (Lamongan: Nawa Litera Publishing, 2025), 146

- 1) Existence of a Means or Intermediary. The means or intermediary can take the form of an action, speech, or policy that leads to something prohibited or harmful. Examples include usury (riba) transactions, corruption, or the dissemination of false information.
- 2) Direct Connection Between the Means and the Prohibited Goal There must be a clear and direct link between the means and the harmful outcome prohibited by sharia. If there is no evident connection, the act does not qualify as *Sadd Adz-Dzari'ah*.
- 3) Potential to Cause Harm or Damage, the means must have a significant potential to bring about harm, whether to individuals or to society. For example, selling weapons to someone who is clearly likely to use them for criminal purposes.
- 4) Existence of Public Interest (*Maslahah 'Ammah*) Blocking the means must be justified based on the protection of public interest and the prevention of widespread harm to society.

Conditions of *Sadd Adz-Dzari'ah*⁵⁶:

- 1) Clear and Measurable Harm. The harm in question must be real and demonstrable, not merely speculative or without strong evidence.
- 2) Non-Neutral Means. The means being blocked must have a strong potential to lead to prohibition or harm. If the means are neutral and can also produce benefits, it does not qualify as *Sadd Adz-Dzari'ah*.

⁵⁶ Umi Khusnul Khotimah, *Pendekatan Fikih Dan Ushul Fikih: Kajian Sumber-Sumber Hukum Islam Dan Metodologi Ijtihad*, (Lamongan: Nawa Litera Publishing, 2025), 147

- 3) Consistency with Core Sharia Principles. The act of blocking the means must align with the *maqashid al-shariah* (objectives of sharia), such as the protection of religion, life, intellect, lineage, and property.
- 4) Implemented After Softer Preventive Measures Fail. Before completely blocking the means, other softer preventive actions must have been attempted. *Sadd Adz-Dzari'ah* is applied only if these measures fail.
- 5) Based on Greater Benefit. Blocking the means should consider a greater public benefit (*maslahah*) than the potential harm. If closing off the means would produce greater harm, it is not permissible.

In practice, this approach is widely accepted and utilized by most schools of thought, particularly the Mālikīyah and Ḥanābilah scholars, as a key foundation in *istinbāt* (legal deduction). Meanwhile, the Syāfi'īyah and Ḥanafīyah scholars are more selective to avoid prohibiting acts that are fundamentally permissible without strong justification.⁵⁷ Therefore, the application of *Sadd Adz-Dzari'ah* must consider context, intention (*niyyah*), and the potential consequences of an action.

⁵⁷ Panji Adam, "Penerapan *Sadd Adz-Dzari'ah* Dalam Transaksi Muamalah", *Jurnal Istiqro: Jurnal Hukum Islam, Ekonomi dan Bisnis*, No. 1(2021), 18-19 <https://doi.org/10.30739/istiqro.v7i1.669>

CHAPTER III

RESEARCH METHODS

A. Type of Research

This study employs an empirical legal research method, which aims to understand legal provisions in practical terms and to examine how law is applied and functions within society.⁵⁸ The type of research used is empirical legal research, focusing on social phenomena and the realities of legal practice. Data collection is conducted through interviews to obtain direct information from the research subjects.

This research examines the implementation of law in practice, particularly regarding the application of royalty licensing for songs and music by café business operators. In addition, the study also analyzes the norms and legal provisions stipulated in legislation as benchmarks to assess the implementation of licensing and royalty payments for songs and music among café business operators.

B. Research Approach

This study employs several types of approaches, namely a qualitative approach as the primary method, followed by a sociological legal approach, and a statutory approach as an instrument for normative examination. The qualitative approach is prioritized because this research is oriented toward uncovering empirical realities in the field.

⁵⁸ Sigit Sapto Nograho, *Metodologi Riset Hukum*, (Surakarta: Oase Pustaka, 2020), 43

The research focuses on the implementation of licensing and royalty payments for songs and music by café business operators in practice.⁵⁹ Through the qualitative approach, data are obtained descriptively via interviews and direct interaction with the research subjects, allowing the researcher to understand the experiences, perceptions, and legal behavior patterns of the business operators. The urgency of this approach lies in its ability to explore meanings, motives, and the dynamics of law implementation that cannot be captured quantitatively, resulting in a more in-depth and contextual analysis.

The sociological legal approach is used to strengthen the analysis of empirical findings. This approach serves to explain the relationship between legal norms and social behavior.⁶⁰ In this research, it is necessary to understand the level of legal awareness and the social factors influencing café business operators' compliance with the obligation to pay royalties for music performances.

Meanwhile, the statutory approach is applied as a normative benchmark to assess the conformity between field practices and positive legal provisions. This approach examines relevant regulations, particularly Law No. 28 of 2014 concerning Copyright and its implementing regulations, serving as a basis for analyzing licensing obligations and royalty payments.⁶¹ With this approach, the study will describe the empirical

⁵⁹ Suyanto, *Metode Penelitian Hukum: Pengantar Penelitian Normatif, Empiris, dan Gabungan*, (Gresik: UNIGRES Press, 2022), 140

⁶⁰ Suyanto, *Metode Penelitian Hukum: Pengantar Penelitian Normatif*, 148

⁶¹ Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2009), 96

facts and explain the social factors that influence the implementation by café business actors regarding license applications and the payment of royalties for songs and music.

By combining these approaches, this study aims to describe empirical facts and explain the social factors affecting the level of legal compliance among café business operators regarding royalty payment systems, thereby producing a comprehensive and systematic analysis.

C. Research Location

This study will be conducted at two research locations, as follows, Unlock Coffee Garden Café, located at Jalan Pamenang, Jetak Ngasri, Mulyoagung, Dau Subdistrict, Malang Regency, East Java 65151, and Lafayette Coffee & Eatery, located at Jalan Semeru No. 2, Oro-oro Dowo, Klojen Subdistrict, Malang City, East Java 65119.

The selection of these research locations is based on juridical and practical considerations. Juridically, cafés that commercially utilize songs and music in their business activities are subject to the obligation to pay royalties as regulated under copyright law and its implementing regulations. In addition, the selection of these cafés is also supported by the large number of cafés operating in both Malang City and Malang Regency. The selected locations are considered capable of representing the characteristics and practices of other cafés that remain the commercial use of music within café businesses.

D. Data Source

The types of data used in this study are,⁶² as follows:

1. Primary Data

Primary data refers to information obtained directly from sources through interviews, observations, or informal documents, which are then processed and analyzed by the researcher.⁶³ The primary data sources for this study consist of direct interviews with café management personnel, namely:

- a) Sa'ada Dzatunnurain Nabila, serving as a Barista and Supervisor at Unlock Coffee Garden Cafe, Malang Regency.
- b) Soemintoro, serving as HR Corporate at Lafayette Coffee & Eatery, Malang City.

2. Secondary Data

Secondary data refers to information that has been previously collected by other individuals or institutions and can be used by the researcher for the purposes of the study. Secondary data sources can include laws and regulations, journal articles, books, and archives in written, audio, or visual formats relevant to the research topic.⁶⁴ This type of data is used to analyze research findings and draw broader conclusions. Secondary data is categorized as follows:

- a) Primary Legal Materials

⁶² Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2009), 106

⁶³ Suyanto, *Metode Penelitian Hukum: Pengantar Penelitian Normatif, Empiris, dan Gabungan*, (Gresik: UNIGRES Press, 2022), 153

⁶⁴ Suyanto, *Metode Penelitian Hukum: Pengantar Penelitian Normatif*, 158

These consist of binding legal sources directly related to the research object. In this study, the primary legal materials include, Law No. 28 of 2014 concerning Copyright, Government Regulation No. 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music, and Minister of Law Regulation No. 27 of 2025 as its implementing regulation.

b) Secondary Legal Materials

These consist of books and scholarly writings in law that are related to the research object.

c) Tertiary Legal Materials

These consist of guides or explanations regarding primary or secondary legal materials, including dictionaries, encyclopedias, magazines, newspapers, and other reference works.

E. Data Collection Methods

Primary data in this study is collected through **in-depth interviews** with a qualitative approach. In-depth interviews involve obtaining information for research purposes through direct question-and-answer interactions between the researcher as the interviewer and the informant as the interviewee. The goal is to acquire comprehensive, detailed, and contextual information from informants directly related to the research object. Interviews are conducted face-to-face to foster open interaction, enabling the researcher to explore the informants' views, experiences, and

underlying reasons for their actions.⁶⁵ The interview process follows a guideline to keep discussions focused while remaining flexible according to field conditions.

The use of in-depth interviews in this research is methodologically important because it allows the researcher to directly understand the practices of licensing and royalty payments for songs and music by café business actors, including obstacles, legal awareness, and factors influencing compliance with applicable regulations. Interviews are conducted directly with the management of Lafayette Coffee & Eatery in Malang City.

F. Data Processing Methods

This study will be examined using a qualitative method, which is a method that reveals facts in depth based on the scientific characteristics of individuals or groups to understand and uncover the underlying aspects of a phenomenon.⁶⁶ This method will elaborate on both primary and secondary data in detail to make the findings more specific. The data processing in this study includes data examination, data classification, data verification, data analysis, and drawing conclusions.

The stages of research data processing are as follows⁶⁷:

⁶⁵ Andi Prastowo, *Metode Penelitian Kualitatif dalam Perspektif Rancangan Penelitian*, (Yogyakarta: Ar-Ruzz Media, 2011), 212

⁶⁶ Suyanto, *Metode Penelitian Hukum: Pengantar Penelitian Normatif, Empiris, dan Gabungan*, (Gresik: UNIGRES Press, 2022), 162

⁶⁷ Andi Prastowo, *Metode Penelitian Kualitatif dalam Perspektif Rancangan Penelitian*, (Yogyakarta: Ar-Ruzz Media, 2011), 238

1. Data Examination (Editing)

Data examination is the initial process of reviewing the quality of the collected data. The purpose is to ensure that the data is complete, clearly readable, relevant, and consistent with one another.

2. Data Classification (Classifying)

Data classification is the process of organizing and grouping data based on specific categories or characteristics. This is done to structure large amounts of data, making it easier to analyze according to the research needs.

3. Data Verification (Verifying)

Data verification is the process of rechecking the accuracy and validity of the data. This step is essential to ensure that the data used is valid and can be scientifically accounted for.

4. Data Analysis (Analyzing)

Data analysis is the process of processing classified data to examine the gaps between field practices (*das Sein*) and legal provisions (*das Sollen*) regarding the research topic.

5. Conclusion (Concluding)

The final stage where the researcher summarizes the results of data analysis to answer the research questions. Conclusions are objective and based on the findings obtained.

CHAPTER IV

RESULT AND DISCUSSION

A. General Overview of Unlock Coffee Garden Cafe Malang Regency and Lafayette Coffee & Eatery Malang City

1. Unlock Coffee Garden Café Kabupaten Malang

Unlock Coffee Garden is a café characterized by a comfortable atmosphere that supports both social and academic activities. Based on interviews with Sa'ada Dzatunnurain Nabila, who serves as Barista and Supervisor, Unlock Coffee Garden was established in 2021, coinciding with the post-COVID-19 pandemic transition period. The café was founded by a doctor from Gresik, who later expanded the business by opening a new branch in Malang Regency. Unlock Coffee Garden employs a relatively small team of five staff members, consisting of two female employees and three male employees.⁶⁸ In terms of operations, the café generally opens from around 1:00 PM to midnight, particularly during peak visitor hours.

To support the atmosphere, Unlock Coffee Garden provides live music entertainment, held regularly twice a week, on Fridays and Saturdays. The live music performances vary in character depending on the day. On Fridays, the music is typically performed by bands with a dominant rock genre, while Saturdays feature more relaxed pop music that appeals to a broader audience. The performers for these live music sessions generally

⁶⁸ Sa'ada Dzatunnurain Nabila, wawancara (Malang, 12 Maret 2026)

come from outside the café, specifically independent bands that have had long-standing collaborations with the establishment. During the initial operational period, live music was held daily, but it was later limited to twice a week as an adjustment to operational conditions and market demand.

In addition to live music, Unlock Coffee Garden also utilizes digital music playback as part of the visitor experience. The music played is flexible and aligned with current trends through platforms such as Spotify Premium and YouTube Premium. This demonstrates that music plays a crucial role in creating an engaging café atmosphere that resonates with visitor preferences, particularly among younger generations.

2. Lafayette Coffee & Eatery Kota Malang

Lafayette Coffee & Eatery operates as a food and beverage unit in Malang City, combining café and restaurant concepts. According to Soemintoro (HR Corporate), Lafayette began operations on April 4, 2021. The establishment of this business was a diversification strategy from the umrah travel sector, which was impacted by the COVID-19 pandemic, with the primary goals of mitigating economic risks and maintaining employment for affected staff. Currently, Lafayette has grown rapidly, with a seating capacity of up to 500 and supported by approximately 100 professional employees.⁶⁹

During its initial operational phase, Lafayette functioned like a typical café, including the use of music as an entertainment element through

⁶⁹ Soemintoro, wawancara, (Malang, 1 April 2026)

both audio playback and live music performances. However, a significant paradigm shift occurred in 2022 when management repositioned the business concept. Under the guidance of new management, Lafayette was transformed into a space for *dakwah*, integrating religious values into daily business operations.

The café generally operates from 6:00 AM to 11:00 PM, beginning its transformation with internal organizational restructuring, including the establishment of standard operating procedures (SOPs) and the allocation of job responsibilities aligned with Islamic principles. In 2023, Lafayette officially ceased all forms of music playback, including live music, replacing them with religious-themed content such as *nasyid*, *salawat*, and *tausiah* delivered at specific times, especially after the *adzan*. This policy represents a significant departure from common café industry practices, where music typically serves as a key element in creating ambiance.

Customer response to this change has been generally positive. Many patrons appreciate the concept, viewing it as an added value that serves as a reminder for worship amid social activities. Lafayette also regularly hosts free *pengajian* sessions open to the public, which can last up to four hours and require partial closure of the café space. Economically, this policy may reduce short-term revenue; however, management views it as a long-term investment, benefiting both spiritual objectives and the business's reputation.

The significant changes in Lafayette Coffee & Eatery's operational management are evident in the transition of its music policy, which previously formed part of its entertainment offerings but has now been completely discontinued. This shift is an important aspect to analyze from a legal perspective, particularly in copyright law, as it relates to the use of musical works in public spaces and the implications for compliance with applicable statutory regulations.

B. Implementation of Music and Song Royalty Licensing by Business Actors at Unlock Coffee Garden Café and Lafayette Coffee & Eatery from The Perspective of Law Number 28 of 2014

The application for licenses and the management of royalties for the use of copyrighted songs and music in Indonesia are based on the provisions of Law Number 28 of 2014 concerning Copyright, particularly Articles 8 and 9, which affirm that creators or copyright holders have economic rights to benefit from the use of their works. Furthermore, the technical regulations regarding the royalty management mechanism are governed by Government Regulation Number 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music.

This regulation explicitly stipulates that any commercial use of a work must be accompanied by royalty payments. This is specifically stated in Article 3 paragraph (1) of Government Regulation No. 56 of 2021, which provides that anyone may use songs and/or music for commercial purposes in the form of commercial services with the obligation to pay royalties to the creator, copyright holder, and/or related rights owner through LMKN.

Commercial use refers to the utilization of a work and/or related rights products with the aim of obtaining economic gain, whether from various sources or through a paid system. Several public services considered commercial are outlined in Article 3 paragraph (2) of Government Regulation No. 56 of 2021.

Public services considered commercial, as referred to in paragraph (1), include:

- a. Commercial seminars and conferences
- b. Restaurants, cafés, pubs, bars, bistros, nightclubs, and discotheques;
- c. Music concerts
- d. Airplanes, buses, trains, and ships
- e. Exhibitions and bazaars
- f. Cinemas
- g. Telephone hold/ringback tones
- h. Banks and offices
- i. Shops and retail outlets
- j. Recreation centers
- k. Television broadcasting institutions
- l. Radio broadcasting institutions
- m. Hotels, hotel rooms, and hotel facilities; and
- n. Karaoke businesses.

In this study, the type of business actor targeted for license and royalty implementation is cafés. Cafés are considered a form of commercial public service, as their operations include commercial elements, as stipulated in Article 3 paragraph (2) of Government Regulation No. 56 of 2021.

Based on interviews conducted with the management of Unlock Coffee Garden Café, it was found that the café still plays music, both through live performances and digital platforms, without holding an official license. Functionally, this music playback is used as a business strategy to

enhance the café's appeal and provide comfort for visitors. This was conveyed by the management of Unlock Coffee Garden Café,⁷⁰ as follows:

“Dengan adanya live music kan biasanya orang lewat kan tertarik gak sekedar music pasti kan juga ada jamming kalau misalnya gak ada live music meskipun gak ada live music tapi ada pemutar musik orang bisa tau, ‘oh cafe nya gak sepi’ jadi lumayan mempengaruhi juga jumlah pengunjung. Tapi masalah perizinan royalti masih kurang diketahui detailnya gimana.”

These findings indicate that music is used as a commercial instrument that directly contributes to the economic value of the business. This means that, normatively, such practices fall under the category of commercial use as defined in Article 3 of Government Regulation Number 56 of 2021.

However, the café has not yet made royalty payments or applied for a license. On the other hand, Lafayette Coffee & Eatery presents a different situation. At the beginning of its operations, the café held live music performances, but since 2023, it has ceased all music playback and shifted to a religious concept featuring *nasyid*, *azan*, and *tausiyah*. This was conveyed by the management of Lafayette Coffee & Eatery,⁷¹ as follows:

“Sejak awa Lafayette dibuka memang ada live music tetapi mulai 2023 awal kami memberhentikan pemutaran music karena mengubah konsep kafe menjadi lebih religious dan bernuansa islami dengan tujuan dakwah, jadi segala bentuk pemutaran music digantikan dengan pemutaran nasyid, azan, hingga tausiyah.”

With the cessation of commercial music use, the obligation to pay royalties is no longer practically relevant. This can be understood as a form

⁷⁰ Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

⁷¹ Soemintoro, wawancara, (Malang, 1 April 2026)

of adjustment to legal provisions, even though it is achieved by discontinuing the use of copyrighted works.

Legal understanding becomes an important aspect in assessing the implementation of royalty licenses. At Unlock Coffee Garden Café, it was found that the business operators had initial awareness of royalty obligations but did not fully understand the implementation mechanism. This was reflected in the statement made by the management of Unlock Coffee Garden Café⁷²:

“Karena maraknya pembayaran royalti jadi lebih paham mengenai hukumnya, tetapi mengenai penerapannya sepertinya masih terkendala.”

This condition indicates a gap between normative knowledge and practical understanding. From a legal perspective, ignorance of the mechanism does not eliminate the legal obligation, in line with the general principle that everyone is presumed to know the law (presumption of legal knowledge). However, in practice, unclear mechanisms can become a barrier to implementation.

In contrast, Lafayette Coffee & Eatery demonstrates a more normative understanding of the royalty concept, particularly in distinguishing between commercial music use and religious or dakwah-oriented use. This is evident from the statement provided by the management of Lafayette Coffee & Eatery⁷³:

“Kalau yang namanya azan, pengajian, itu kan gak ada Royalty karena Itu kan dakwah. Kalo Lagu nasyid itu seperti Lagu Arab.

⁷² Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

⁷³ Soemintoro, wawancara, (Malang, 1 April 2026)

semacam Salawatan. Salawatan itu kan juga dakwah. Dan itu kan tidak ada unsur komersil. Karena nilainya kan dakwah kalau Salawatan. Kalau itu dihitung ada unsur komersil terlalu memaksakan ya, karena bagi kita sendiri menurut hukum islam sunnah untuk membaca Salawatan.”

This understanding leads to the interpretation that not all forms of audio use fall under objects subject to royalties, particularly when there is no commercial purpose. This aligns with the concept of non-commercial use in copyright law, although in practice it still requires clear normative boundaries.

Furthermore, the research findings indicate that limited socialization and outreach from relevant institutions, particularly LMKN, is a factor influencing the implementation of royalty licenses. This is evident at Unlock Coffee Garden Café, where, to date, no direct interaction or warning from the authorities has been observed.⁷⁴

“Pihak kafe menyadari harusnya bayar royalti karena sempat rame dibicarakan, tapi gak sampai ada yang negur sih, tapi karena ramai diomongi, kami pihak cafe langsung berhenti muter lagu yang masih panas-panasnya royalti sementara waktu, kalau yang lagunya sempat disinggung gak diputar di kita, jadi langsung difilter dari awal dan juga mengganti jenis lagu dengan lagu lagu yang bisa jadi alternatif seperti lagu Santai yang berbentuk backsound biar ada suaranya saja”

This condition indicates weak law enforcement in the field, which results in low external pressure on business actors to fulfill their legal obligations. In addition, the management of Unlock Coffee Garden Café

⁷⁴ Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

also reported a lack of clarity regarding the mechanism for determining royalty rates and distribution.⁷⁵

“Dari segi tarif juga sih terus sama kayak kenyataan lapangannya gitu kan gak setiap hari atau setiap bulan itu pendapatannya sama terus, misalnya kalau dari segi tarif bisa dipatok menyesuaikan lapangan apakah finansialnya baik-baik atau tidak.”

Normatively, the license application mechanism has been systematically regulated through LMKN, as stipulated in Article 8 of Government Regulation Number 56 of 2021. Secara normatif, mekanisme pengajuan lisensi telah diatur secara sistematis melalui LMKN, hal ini diatur dalam pasal 8 Peraturan Pemerintah Nomor 56 Tahun 2021.

Royalty management is conducted by LMKN based on data integrated into the central database of songs and/or music.

The management process is comprehensive, covering license administration, reporting of song usage, and royalty payments. Even under certain conditions, the use of songs without a licensing agreement is permitted, provided that royalty payment obligations are still fulfilled. To support economic fairness, micro-enterprises are granted reduced royalty rates as determined by the Minister.

Articles 12, 13, and 14 of Government Regulation Number 56 of 2021 affirm that LMKN has the authority to collect, manage, and distribute royalties, both from members and non-members of the Collective Management Organization. This institution is established by the Minister and consists of representatives of creators and rights holders, each operating

⁷⁵ Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

independently. With this system, it is expected that a transparent, fair, and accountable royalty distribution mechanism will be created to support copyright protection in Indonesia. However, the complexity of the procedures and limited outreach have resulted in the mechanism not being fully understood by business actors.

Based on the research conducted, the implementation of song and music royalty licenses in practice is not without obstacles that affect the level of compliance among business actors. One of the main factors identified is economic. Business operators perceive the obligation to pay royalties as an additional burden amid generally fluctuating business revenues, as expressed in the statement by the management of Unlock Coffee Garden Café,⁷⁶ as follows:

“Menurut saya pembayaran royalti ini memberatkan karena yang menikmati musik itu gak cuman dari mereka yang usahanya lagi baik-baik saja, juga terkadang ada yang lagi surut pendapatan kafe perharinya, ini juga kan jadinya malah kayak gak ada daya tarik lainnya selain dengan putar musik atau apapun itu”

This indicates the presence of a rational, cost-benefit based consideration in determining whether the obligation will be fulfilled. Business actors tend to link legal obligations to their available financial capacity. Besides economic factors, another significant obstacle is the lack of clarity regarding rate determination and transparency in royalty management. Business operators have expressed doubts about the royalty

⁷⁶ Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

distribution mechanism, which is perceived as not yet fully accountable, as reflected in the statement provided by Lafayette Coffee & Eatery:⁷⁷

“Sebenarnya pembayaran royalti itu ya baik, karena memberikan hak royalti kepada pencipta, artinya karya mereka dihargai sepantasnya, tetapi pemerintah perlu mengatuh lebih bijak lagi agar supaya penyaluran haknya adil dan sesuai dengan haknya yang objektif seperti pajak, tidak dipukul rata dan harus transparan.”

This condition reflects a level of distrust toward the managing institution, which ultimately affects the willingness to fulfill royalty payment obligations. Uncertainty regarding the basis for rate determination and the flow of funds to creators creates the perception that the existing system is not entirely fair and transparent, thereby reducing business actors' confidence in the effectiveness of the regulations.

Furthermore, another influencing factor is inconsistency in law enforcement in the field. In this case, Lafayette Coffee & Eatery considers the use of songs on certain platforms to be still too unrestricted.⁷⁸

“Di era digital ini penggunaan lagu masih terlalu bebas, membuka youtube gratis, membuka media sosial gratis, jadi sepertinya memang akan sulit mengendalikan atau mengontrol para penggunanya, terlebih dasar perhitungan pemungutannya masi belum jelas.”

Ease of accessibility on various digital platforms is considered to complicate regulatory enforcement, as it provides benefits or advantages to business actors while potentially causing losses to creators. Monitoring user activity becomes extremely difficult to conduct systematically due to the ease of access to certain platforms. Consequently, there is a gap between the

⁷⁷ Soemintoro, wawancara, (Malang, 1 April 2026)

⁷⁸ Soemintoro, wawancara, (Malang, 1 April 2026)

rapid dissemination of digital songs and music and the oversight mechanisms of the authorities. This lag creates a *legal vacuum*, making the implementation of formal regulations for individuals less effective and difficult to enforce fairly across all aspects.

In practice, the National Collective Management Organization (LMKN) retains the authority to collect royalties even if payments are delayed. Article 10 of Government Regulation No. 56 of 2021 affirms the obligation of anyone using songs and/or music commercially to pay royalties through LMKN. The article also provides flexibility, allowing the use of songs and/or music for performances even without a formal licensing agreement, as long as royalties are paid through LMKN after the performance. This provision enables event organizers to comply with the economic rights of creators and rights holders without being burdened by lengthy administrative licensing processes.

The copyright administration system emphasizes that delayed payment does not automatically negate the obligation. This principle is particularly important in the context of disputes, as illustrated in the Gacoan case, where untimely payments were not considered an admission of fault but remained a factor in dispute resolution.

If creators or rights holders feel disadvantaged, they may file a claim for damages or pursue economic rights enforcement. In practice, these claims can be represented by the respective collective management organization (LMK) of the creator or rights holder. This allows creators or

rights holders to enforce their economic rights collectively through LMK representation, thereby strengthening bargaining positions and increasing enforcement efficiency.

However, that a dispute arises only if a party files a complaint. Article 120 of the Copyright Law, covering both criminal and civil provisions, states that offenses under the Law are subject to complaint (*delik aduan*), meaning violations are not automatically processed without a complaint from the aggrieved party. As long as no party feels harmed, certain infringements may not trigger legal issues. But, if a party raises an objection, dispute resolution becomes relevant. This can be seen in the Gacoan case, where Selmi (as LMK) filed a lawsuit under the authority granted to her as a representative of the rights holder. Selmi felt harmed and therefore retained the right to pursue legal action, even though the prior infringement was unintentional.

Furthermore, another aspect that can be highlighted in this study is that the current royalty collection mechanism is considered insufficiently transparent, particularly regarding the flat rate of Rp60,000 per seat, which does not take daily occupancy levels into account. In addition, the absence of business classification differentiating micro, small, and medium enterprises (MSMEs) from larger-scale businesses creates a perception of unfairness for small business operators, as explained by the management of Unlock Coffee Garden Café.⁷⁹

⁷⁹ Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

“Mengenai penerapan lisensinya mungkin bisa menyesuaikan penhitungan tarif dengan survey ataupun harus mengevaluasi setiap cafe biar tau keadaan lapangannya kan biar ngerti kondisi umkm gimana.”

On the other side, the reporting system via log sheets still has loopholes that allow manipulation of song playlists, which can harm creators. The lack of clear regulations regarding the use of musical works by foreign creators not registered with domestic institutions also creates a legal gap that hinders collective compliance, as further noted by the management of Lafayette Coffee & Eatery.⁸⁰

“Semisal yang diputar musisi luar negeri, bagaimana pembayaran royaltinya, terlalu banya pro kontra, dan lmkN terlalu menuntut padahal penyanyi atau pemusiknya biasa saja, jadi seharusnya lmkN cukup mengelola yang sesuai ruang lingkup saja.”

Overall, the implementation of royalty collection currently faces serious challenges due to rigid rate schemes and oversight mechanisms that are insufficiently accommodating to operational realities in the field. Various concerns from business actors, such as Unlock Coffee Garden Café and Lafayette Coffee & Eatery, underline the urgent need for more proportional policy reforms, including business classification based on MSME scale and occupancy-based rate adjustments. Additionally, the reporting system requires strengthening to minimize data manipulation, and more specific legal certainty is needed regarding LMKN’s authority over international musical works. Until the gap between regulation and culinary

⁸⁰ Soemintoro, wawancara, (Malang, 1 April 2026)

business dynamics is bridged, the implementation of song and music royalty licenses in enforcing copyright protection will remain suboptimal.

According to Government Regulation Number 56 of 2021, the National Collective Management Organization (LMKN) holds a central role as the primary authority in collecting and distributing royalties for the commercial use of works in public spaces. In an ideal mechanism, business entities such as hotels, cafés, and karaoke establishments are required to remit royalties to LMKN as compensation to creators or rights holders. While the Copyright Law does not specify exact amounts, the royalty calculation standard in implementing regulations ideally adopts two main schemes: a percentage of gross revenue for general businesses or a fixed value (lump sum) based on physical instruments such as venue size and seat count.

In the context of modern public law, the application of these rates should be accompanied by intensive socialization regarding the underlying rationale to avoid imposing excessive financial burdens, especially on micro-enterprises. More detailed classification within the public sector is necessary to ensure that royalty obligations do not interfere with product pricing structures to the detriment of consumers, including business operators.

Therefore, based on the research findings, both Unlock Coffee Garden Café and Lafayette Coffee & Eatery have a basic awareness of the obligation to pay royalties for music use. This is reflected in statements

indicating that business actors recognize royalty issues as widely discussed and understand that there is a normative legal obligation to pay. Thus, at the level of legal knowledge, business actors cannot be said to be entirely in a state of ignorance of the law. However, this knowledge remains incomplete and must be reinforced by external factors such as public awareness, not solely through systematic legal socialization by relevant institutions. Consequently, even with awareness of royalty obligations, business operators do not fully understand the implementation mechanisms, including the licensing procedures through LMKN and the distribution of royalties to creators. This is evident from Unlock Coffee Garden Café's statement that they remain unaware of detailed royalty licensing procedures and confused about tariff flexibility relative to business financial conditions.

Furthermore, interviews with Unlock Coffee Garden Café and Lafayette Coffee & Eatery identified a lack of trust in the transparency of royalty management and concerns regarding LMKN's rate-setting mechanism, such as the flat per-seat tariff without consideration of actual occupancy. This issue is relevant to Article 11 of Government Regulation No. 56 of 2021, which mandates tariff reductions for micro, small, and medium enterprises (MSMEs). In practice, however, business actors perceive the applied tariffs as disproportionate, for example, the flat per-seat rate does not account for actual occupancy or business scale, causing MSMEs to bear financial burdens despite being legally entitled to reduced

royalty rates. This reflects a gap between legal provisions and field implementation.

Article 11 stipulates that reduced tariffs are to be determined through a Ministerial Decree, yet such a decree has not been issued. As a result, MSMEs, although eligible for lighter rates as commercial users of songs and music, continue to face uncertainty in royalty payment obligations. This situation fosters distrust toward LMKN due to perceived opacity in rate calculation and determination, which should ideally be differentiated by business category. This phenomenon underscores the need for immediately issued derivative regulations and clearer transparency mechanisms to effectively realize the intent of Article 11: alleviating the burden on MSMEs while ensuring legal compliance with copyright. Without such clarity, the implementation of Government Regulation No. 56 of 2021 for MSMEs is likely to remain suboptimal.

In conclusion, the main issue in implementing royalty licenses does not lie solely in the normative aspect of regulations but in the failure to integrate legal substance, institutional structure, and societal legal culture. Thus, this study emphasizes that the implementation of music licensing and royalty payments in the café sector faces structural, cultural, and administrative challenges. Therefore, the government, through LMKN, must be clarify the mechanisms for royalty rates and distribution, conduct intensive socialization especially for MSMEs, and promote proportional

policy reforms to enhance legal compliance and ensure that copyright protection is applied fairly in practice.

C. *Sadd Al-Dzariah* Perspective on The Implementation of Music and Songs Royalty Licencing by Business Actors at Unlock Coffee Garden Café and Lafayette Coffee & Eatery

The *Sadd Adz-Dzari'ah* approach is a method within ushul fiqh that emphasizes preventive measures by closing off avenues that could potentially lead to harm (*mafsadah*), even if the initial action contains elements of benefit (*maslahah*). This approach focuses on evaluating the ultimate consequences of an action while also considering the potential impacts arising from the means or intermediaries employed.

From the perspective of modern public law, *Sadd Adz-Dzari'ah* serves as an ethical and normative framework to assess the extent to which government policies align with the objectives of public welfare. Its application is therefore not limited to acts of worship but extends to social, economic, and governmental domains, including the regulation of transactional muamalah. In practice, this method is used to prevent violations of prohibited provisions and to ensure the attainment of broader societal benefits.

In relation to the regulation of royalty payments to creators, the *Sadd Adz-Dzari'ah* concept holds strong relevance, especially in the effort to protect Intellectual Property Rights (IPR). The Indonesian Ulama Council (Majelis Ulama Indonesia), through Fatwa MUI Number: 1/MunasVII/MUI/5/2005 on the Protection of Intellectual Property Rights,

affirms that copyright constitutes part of *huquq al-mâliyyah* (property rights), which holds the status of assets (*mâl*) and is entitled to legal protection.

(1) Dalam Hukum Islam, HKI dipandang sebagai salah satu huquq maliyyah (hak kekayaan) yang mendapat perlindungan hukum (mashum) sebagaimana mal (kekayaan).

(2) HKI yang mendapat perlindungan Hukum Islam sebagaimana dimaksud angka 1 tersebut adalah HKI yang tidak bertentangan dengan Hukum Islam.

This determination is closely linked to references in various national regulations, such as Law No. 28 of 2014 concerning Copyright, which demonstrates a harmonization between positive law and Islamic legal principles.

According to the definition of copyright in the Copyright Law, it is an exclusive right held by the creator or rights holder to announce, reproduce, or authorize the use of their work, while still observing the limitations set forth in the legislation. In the context of modern Islamic economic perspectives, copyright can be equated with the concept of *haq al-ibtikar*. This term consists of two elements: *haq*, meaning a special right or authority possessed by an individual or group, and *al-ibtikar*, meaning creation or innovation. Accordingly, *haq al-ibtikar* can be understood as a privileged right inherently belonging to a person over a work they have produced for the first time.

Based on the Indonesian Ulama Council (MUI) Fatwa Number 1 of 2003 concerning Copyright, copyright is categorized as part of *huquq maliyyah* (property rights). From this perspective, copyright can be equated

with the concept of *haq al-ibtikar*, which is the exclusive right over a work first created by an individual, granting the authority to utilize, control, and lawfully transfer that right. Therefore, copyright can be regarded as a form of ownership with economic value, and it can be treated like other assets (*amwāl*), meaning it can be possessed, controlled, utilized, and transferred in accordance with applicable regulations.

As a form of property, copyright can serve as the object of contracts, both commercial and non-commercial, and can also be inherited or assigned. This indicates that the use of creative works, including songs and music, in commercial activities such as café operations is fundamentally permissible, provided it is carried out in compliance with both Sharia and applicable law. However, if such use occurs without authorization or without granting the creator their economic rights, the act potentially constitutes *mafsadah* in the form of unlawful appropriation of another person's property. This principle aligns with the provisions in the Qur'an, particularly in Surah Al-Baqarah, verse 188, which states:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدُلُّوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ
بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾

Which means: “*And do not consume one another's wealth unjustly, nor deliberately bribe authorities in order to devour a portion of others' property, knowing that it is a sin.*” (Q.S. 2:188).

This verse prohibits acquiring another person's wealth through unjust means. In this context, violations of copyright, such as using music without paying royalties, can be regarded as a form of unlawfully deriving

economic benefit from someone else's property. Therefore, within the framework of *Sadd Adz-Dzari'ah*, actions such as piracy, plagiarism, or the use of works without authorization must be prevented, as they have the potential to harm the rights holder and undermine the principles of economic justice.

Based on the research findings, the practice carried out by Unlock Coffee Garden Café, which continues to use music as a commercial instrument without a license, can be understood as an activity that initially contains *maslahah*, namely enhancing the attractiveness of the business, but has the potential to cause *mafsadah* due to the lack of fulfillment of the creator's economic rights. This was explained during interviews with representatives of Unlock Coffee Garden Café as follows⁸¹:

“Pihak kafe menyadari harusnya bayar royalti karena sempat rame dibicarakan, tapi gak sampai ada yang negur sih, tapi karena ramai diomongi, kami pihak cafe langsung berhenti muter lagu yang masih panas-panasnya royalti sementara waktu, kalau yang lagunya sempat disinggung gak diputar di kita, jadi langsung difilter dari awal dan juga mengganti jenis lagu dengan lagu lagu yang bisa jadi alternatif seperti lagu Santai yang berbentuk backsound biar ada suaranya saja”

The effort made by Unlock Coffee Garden Café to filter the types of songs played can be understood as an initial preventive measure to avoid disputes regarding royalty obligations. However, this step does not fully align with copyright protection principles, as the use of music for commercial purposes continues without the payment of royalties.

⁸¹ Sa'ada Dzatunnurain Nabila, wawancara, (Malang, 12 Maret 2026)

From the *Sadd Adz-Dzari'ah* perspective, this action demonstrates an attempt to close some of the pathways leading to *mafsadah*, but it does not address the root issue, namely the use of works without fulfilling the creator's economic rights. In other words, means that have the potential to cause harm are still being employed, albeit with certain restrictions, so the potential for *mafsadah* remains. Nonetheless, when viewed in the context of micro, small, and medium enterprises (MSMEs), this measure can be considered a rational initial effort (*ikhtiar*) to cope with limitations in understanding and economic capacity.

From the *Sadd Adz-Dzari'ah* approach, this situation can be categorized as a preventive effort that is not yet optimal, where the closure of pathways leading to *mafsadah* should be carried out more comprehensively while still considering broader aspects of *masalah*, including business continuity. Therefore, a more proportional mechanism is needed so that preventive measures not only reduce the risk of violations but also ensure that the creator's rights are fulfilled fairly.

In contrast, the effort made by Lafayette Coffee & Eatery to replace commercial music with religious content, such as *nasyid*, *azan*, and *tauisyah*, can be understood as a more comprehensive preventive measure, even though it is implemented through a different approach. This was explained during interviews with representatives of Lafayette Coffee & Eatery,⁸² as follows:

⁸² Soemintoro, wawancara, (Malang, 1 April 2026)

“Sejak awa Lafayette dibuka memang ada live music tetapi mulai 2023 awal kami memberhentikan pemutaran music karena mengubah konsep kafe menjadi lebih religious dan bernuansa islami dengan tujuan dakwah, jadi segala bentuk pemutaran music digantikan dengan pemutaran nasyid, azan, hingga tausiyah.”

Essentially, playing audio in business premises is an activity that carries *masalahah*, as it helps create an atmosphere that enhances visitor comfort. However, when such use has the potential to cause *mafsadah*, such as copyright violations due to unfulfilled royalty obligations, closing the pathways to potential infringements becomes relevant.

In practice, the audio played at Lafayette Coffee & Eatery includes *azan*, *nasyid*, *salawat*, and *tausiyah* delivered by *ustadz* who have direct collaboration with the café. This activity is understood as part of religious propagation (*syiar*) that is not economically driven but serves as a means of worship and education. This is reinforced by regular, free religious study sessions (*pengajian*) organized by the café, as confirmed by the Lafayette Coffee & Eatery representatives⁸³:

“Karena sedari awal bertujuan dakwah, akhirnya buat pengajian rutin dan itu gratis. Kalau bicara bisnis keuntungan, pastinya rugi harus nutup 2 lantai selama 4 jam, yaitu dari jam 6 pagi sampai jam 10 pagi. Tapi bagi kami, justru ini termasuk keuntungan. Karena bagi kami adalah investasi akhirat”

From the perspective of understanding, Lafayette Coffee & Eatery considers activities such as *azan*, *pengajian*, and *salawat* to fall outside the scope of royalty obligations, as they are non-commercial in nature and form part of religious propagation (*dakwah*). However, in practice, the playback

⁸³ Soemintoro, wawancara, (Malang, 1 April 2026)

of *tausiyah* at Lafayette Coffee & Eatery is not only positioned as a component of *dakwah* activities but is also supported by implicit permission arrangements. This is because most of the *tausiyah* material played comes from internal recordings or from teachers who have direct involvement with the café. Consequently, there exists a direct relationship between the content providers and the management, which in practice reflects an informal approval for use, without requiring formal licensing mechanisms as would be necessary for commercial music.

This condition indicates that the use of *tausiyah* content does not raise the same copyright issues as regular song playback, since the content sources are controlled and relationship-based. Lafayette Coffee & Eatery reaffirmed this understanding in the following interview⁸⁴:

“Untuk perizinan pengajian menyesuaikan kegiatan yang diselenggarakan, yaitu ada yang diadakan sendiri seperti yang rutin tiap minggu, ada yang kerja sama dengan majlis taklim, dan juga ada yang dengan komunitas hijrah, pembayaran royalti tidak memperengaruhi pemilihan musik yang diputar karena sedari awal niat penerapannya karena ditujukan untuk dakwah.”

Nonetheless, the management of Lafayette Coffee & Eatery acknowledges that, in principle, royalties serve an important function as a form of copyright protection. This is reflected in the following statement⁸⁵:

“Sebenarnya pembayaran royalti baik ya karena memberikan hak royalti kepada pencipta, artinya karya mereka dihargai sepantasnya, tetapi pemerintah perlu mengatuh lebih bijak lagi agar supaya penyaluran haknya adil dan sesuai dengan haknya yang objektif seperti pajak, tidak dipukul rata dan harus transparan.”

⁸⁴ Soemintoro, wawancara, (Malang, 1 April 2026)

⁸⁵ Soemintoro, wawancara, (Malang, 1 April 2026)

When examined from the *Sadd Adz-Dzari'ah* perspective, the measures taken by Lafayette Coffee & Eatery can be understood as a comprehensive form of prevention that directly closes off avenues potentially leading to *mafsadah*. In this case, the use of commercial music, which could violate copyright, is completely eliminated, thereby removing any opportunity for infringement of the creator's economic rights. This action aligns with the principles of *Sadd Adz-Dzari'ah*, particularly regarding acts with a high likelihood of causing *mafsadah*, which must be prevented from the outset. Furthermore, the decision is also based on broader *maslahah* considerations, as it not only avoids potential legal violations but also strengthens the café's social and religious function as a space for *dakwah*.

Thus, the practices implemented by Lafayette Coffee & Eatery demonstrate a relatively complete application of *Sadd Adz-Dzari'ah*, in which the closure of potentially harmful avenues is carried out comprehensively to avoid *mafsadah*, while still taking into account the *maslahah* intended to be achieved, both from legal and religious perspectives embraced by the business actors.

The protection of creators' rights in the context of commercial use of songs and music is realized through the obligation to pay royalties as a form of recognition for the economic rights inherent in the work. Royalties serve as compensation for the use of the work by others, ensuring that creators continue to derive economic benefits from their creativity. Through

this mechanism, copyright is concretely protected in practice, preventing unauthorized use that could harm the creator. This protection also reflects the principle of justice, where every party benefiting from a creation is obliged to provide appropriate compensation to the rights holder.

On the other hand, protection for business actors also needs to be considered through the implementation of a royalty payment mechanism that is fair, transparent, and proportional. A tariff-setting system that takes into account business conditions, scale, and the level of music usage is important to ensure that the obligation does not impose an excessive burden. Furthermore, clarity regarding the procedures for royalty payment and distribution to creators will enhance business actors' trust in the system. In this way, a balance between protecting creators' rights and supporting business interests can be achieved, so that the implementation of royalty obligations is not merely coercive but also promotes sustainable compliance.

Based on the overall study, the principle of *Sadd Adz-Dzari'ah* demonstrates strong relevance in assessing the practices of music utilization by business actors, particularly in the context of royalty payment obligations. This approach emphasizes the importance of preventive action by closing all avenues that could potentially lead to *mafsadah*, in this case, copyright infringement. The obligation to pay royalties can be understood as a concrete form of this preventive effort, as it protects business actors from unauthorized use of works while safeguarding the creator's economic

rights. Thus, royalty regulations function both repressively and preventively, in accordance with the fundamental values of *Sadd Adz-Dzari'ah*.

In addition, practices undertaken by business actors, such as limiting or redirecting the type of music, or even eliminating commercial music playback altogether, reflect variations in the application of this principle. These efforts demonstrate an awareness of avoiding potential violations, although in some cases they still create a dilemma between protecting creators' rights and ensuring business continuity. This underscores that the application of *Sadd Adz-Dzari'ah* is not always absolute, but rather contextual, taking into account the level of potential *mafsadah* and the *maslahah* achieved.

Overall, *Sadd Adz-Dzari'ah* functions as a normative framework that reinforces legal compliance through a preventive approach. The principle fosters awareness to avoid actions that may harm others and encourages business actors to adhere to existing regulations. Thus, the implementation of royalty obligations under positive law can be viewed as aligned with the principles of *Sadd Adz-Dzari'ah*, serving as an instrument to prevent the unlawful appropriation of rights and to protect public interests. This preventive effort ultimately aims to safeguard one of the key elements of *maqashid al-shari'ah*, namely the protection of wealth (*hifz al-mal*), thereby creating a balance between the interests of business actors and the economic rights of creators within a broader framework of justice.

CHAPTER V

CONCLUSION

A. Conclusion

Based on the analysis and field research conducted by the researcher regarding the Implementation of Music and Song Royalty Licenses by Café Business Actors from the Perspective of Positive Law and Sadd al-Dzarī‘ Ah (A Study at Unlock Coffee Garden Café in Malang Regency and Lafayette Coffee & Eatery in Malang City), the following conclusions can be drawn:

1. The implementation of music royalty licenses by cafe business actors has not been carried out in accordance with the provisions of Law Number 28 of 2014 concerning Copyright and Government Regulation Number 56 of 2021 regarding the Management of Music and Song Copyright Royalties. Conceptually, any use of music for commercial purposes obliges business actors to obtain a license and pay royalties through LMKN as a form of protection for the economic rights of creators. However, in practice, there remains a gap between the legal norms and their implementation in the field. Research findings indicate variations obstacles in implementation patterns across the study sites. Such as limited understanding of the licensing mechanism, the perception of royalties as an additional economic burden, and weak law enforcement and socialization by the relevant authorities as the main factors behind Unlock Coffee Garden Café’s non-payment of royalties. In contrast, Lafayette Coffee & Eatery demonstrates a different pattern

by discontinuing the use of commercial music and replacing it with religious content.

2. Based on the research findings, the implementation of music and song royalty licensing and payments by café business actors can be comprehensively understood through the perspective of *Sadd Adz-Dzari'ah* as a preventive approach in Islamic law. This principle emphasizes the importance of closing all means that could potentially lead to *mafsadah* (harm), including the use of copyrighted works without fulfilling the creator's economic rights. In this study, the obligation to pay royalties aligns with *Sadd Adz-Dzari'ah*, as it functions to prevent the unlawful economic exploitation of works and to protect intellectual property rights as part of *huqûq mâliyyah*. However, differences were observed in how this principle was applied by the business actors. At Unlock Coffee Garden Café, the use of commercial music without a license indicates that means potentially causing *mafsadah* are still employed, thus contradicting the *Sadd Adz-Dzari'ah* principle. Efforts such as filtering songs represent only a partial preventive measure and do not fully eliminate the potential for violations. In contrast, Lafayette Coffee & Eatery demonstrates an application closer to the *Sadd Adz-Dzari'ah* principle by discontinuing commercial music and replacing it with religious content that is not economically driven, thereby avoiding potential *mafsadah* more comprehensively. Nonetheless, the application of *Sadd Adz-Dzari'ah* in

this context cannot be understood rigidly; it must also consider broader aspects of public interest, including business continuity and the economic conditions of the operators, especially UMKM. Therefore, the royalty obligation as a preventive measure must be balanced with a fair, transparent, and proportional mechanism to avoid creating new mafsadah for business actors.

B. Recommendation

1. For café business actors, it is expected that they enhance compliance with licensing and royalty payment requirements as part of both legal responsibility and business ethics. The use of music as a commercial element should be accompanied by awareness of the creator's economic rights that must be respected. Therefore, business actors need to actively seek information regarding licensing and royalty payment mechanisms and establish cooperation with management institutions such as LMKN to ensure that music is used legally. Furthermore, if economic constraints exist, business actors can consider alternatives that remain legally compliant, such as using royalty-free licensed music or adjusting the scale of music usage.
2. For the government, especially LMKN as the Royalty Management Institution, it is expected to improve transparency, accountability, and socialization related to royalty management. Distrust among business actors regarding royalty distribution indicates that the existing system is not fully understood or perceived as fair. Therefore, LMKN is advised

to provide more open mechanisms regarding tariff determination, distribution procedures, and beneficiary parties, thereby enhancing public trust. Additionally, there is a need to design a more proportional and adaptive tariff scheme that considers the conditions of business actors, especially UMKN, so that legal obligations are not perceived as a burdensome cost. The government should conduct a comprehensive revision of royalty regulations, including the Copyright Law, Government Regulations as the basis for royalty management, and implementing rules, with a primary focus on transparency in collection and fairness in distribution. Through a combination of education, transparency, and accountable monitoring systems, a harmonious copyright ecosystem can be established that protects the economic rights of creators while supporting a fair, effective, and sustainable business competitiveness.

REFERENCES

BOOK

- Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2009.
- Harusudin, M. Noor. *Pengantar Studi Fiqih*. Surabaya: Pena Salsabila, 2013.
- Hidayah, Khoirul. *Hukum Hak Kekayaan Intelektual*. Malang: Setara Press, 2017.
- Khotimah, Umi Khusnul. *Pendekatan Fikih dan Ushul Fikih: Kajian Sumber-Sumber Hukum Islam dan Metodologi Ijtihad*. Lamongan: Nawa Litera Publishing, 2025.
- Prastowo, Andi. *Metode Penelitian Kualitatif dalam Perspektif Rancangan Penelitian*. Yogyakarta: Ar-Ruzz Media, 2011.
- Nogroho, Sigit Sapto. *Metodologi Riset Hukum*. Surakarta: Oase Pustaka, 2020.
- Saiban, Kasuwi. *Metode Penetapan Hukum Islam: Membangun Madzhab Fiqih Kontemporer di Indonesia*. Malang: Setara Press, 2019.
- Saidin, Haji OK. *Aspek Hukum Hak Kekayaan Intelektual (Intellectual Property Rights)*. Jakarta: Rajawali Pers, 2015.
- Suyanto. *Metode Penelitian Hukum: Pengantar Penelitian Normatif, Empiris, dan Gabungan*. Gresik: UNIGRES Press, 2022.

ARTICLE

- Adam, Panji. "Penerapan Sad Al-Dzarī'ah dalam Transaksi Muamalah." *Jurnal Istiqro: Jurnal Hukum Islam, Ekonomi dan Bisnis* No. 1 (2021): 18–30. <https://doi.org/10.30739/istiqro.v7i1.669>
- Aprillianty, Kesia, dan Gunardi Lie. "Analisis Hukum Pelanggaran Lisensi Hak Cipta Musik dalam Penggunaan Komersial (Studi Kasus Mie Gacoan Bali)." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* No. 10 (2025): 3866–3876. <https://doi.org/10.31604/jips.v12i10.2025.3866-3876>
- Asihatka, Prima Tiara Muthi'ah Rizky. "Lisensi Royalti Penggunaan Hak Cipta Lagu untuk Kepentingan yang Bersifat Komersial." *Borneo Law Review* No. 2 (2024): 113-126. <http://jurnal.borneo.ac.id/index.php/bolrev/article/view/6197>
- Heniyatun, Gifary Tidar Pratama, dan Puji Sulistyaningsih. "The Involvement of

the Indonesian Copyright Foundation (Yayasan Karya Cipta Indonesia or YKCI) Regarding Public Performance Rights in Cafes Utilizing Music Streaming Apps.” *Varia Justicia* No. 2 (2023): 84-96.

<https://journal.unimma.ac.id/index.php/variajusticia/article/view/10250>

Kharisma, Fahmi, dan Budi Agus Riswandi. “Pelaksanaan Pembayaran Royalti atas Lagu dalam Live Performance kepada Pencipta Lagu di Kafe Roemah Kesambi Kota Cirebon.” *JIPRO: Journal of Intellectual Property* (2023): 1-19. <https://doi.org/10.20885/jipro.vol5.iss1.art1>

Nora, Elan. “Upaya Kesadaran Hukum dan Kepatuhan Hukum dalam Masyarakat.” *Nomos: Jurnal Penelitian Ilmu Hukum* 3, No. 2 (2023): 60-70. <https://journal.actual-insight.com/index.php/nomos/article/view/1488>

Oktaviano, Dio Alvinda. “Kesadaran Hukum Pemilik Kafe terhadap Kewajiban Pembayaran Royalti Lagu dalam Live Performance (Studi pada Kafe di Sentra Kafe Sudimoro Kota Malang).” *Journal of Islamic Business Law* No. 1 (2024): 80-88. <https://doi.org/10.18860/jibl.v8i1.7737>

Permana, Daffa Okta, Esther Masri, dan Clara Ignatia Tobing. “Implementasi Royalti terhadap Pencipta Lagu Berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.” *Krtha Bhayangkara* No. 2 (2021): 322. <https://ejournal.ubharajaya.ac.id/index.php/KRTHA/article/view/1124>

Pertiwi, Winda, Firdaus, dan Nurahim Rasudin. “Tanggung Jawab Pembayaran Royalti kepada Pemegang Hak Cipta Lagu dan/atau Musik oleh Pelaku Usaha Kafe di Kecamatan Sail Kota Pekanbaru.” *Innovative: Journal of Social Science Research* No. 4 (2024): 8126–8138. <http://j-innovative.org/index.php/Innovative/article/view/11024>

Siregar, Ramadani. “Pendekatan Saddu Al-Dzari’ah dalam Studi Islam.” *Jurnal Lentera: Kajian Keagamaan, Keilmuan dan Teknologi* No. 1 (2023): 46. <https://doi.org/10.29138/lentera.v22i1.1038>

Subekti, Ahmad, dan Eva Mir’atun Niswah. “Perlindungan Hukum Hak Cipta

terhadap Pemutaran Lagu dalam Live Music Performance Perspektif Undang-Undang Hak Cipta dan Hifz Al-Mal di Kafe Purwokerto.” *el-Uqud: Jurnal Kajian Hukum Ekonomi Syariah* No. 2 (2024): 75–89. <https://ejournal.uinsaizu.ac.id/index.php/eluqud/article/download/12107/3954>

Syahrani, Nindhitya Mega Putri, Chrisna Bagus Edhita Praja, dan Hary Abdul Hakim. “Studi Kepatuhan Musisi dan Penyedia Layanan Berbasis Komersial dalam Membayar Royalti.” *Borobudur Law and Society Journal* No. 4 (2023): 176–187. <https://doi.org/10.31603/10041>

Talahatu, Reylandho Cornelius, Teng Berlianty, dan Agustina Balik. “Perlindungan Hak Ekonomi Pencipta dan Pemegang Hak Cipta atas Pemutaran Musik atau Lagu di Kafe dan Restoran.” *KANJOLI Business Law Review* No. 1, Vol. 2 (2023): 82.

Munawaroh, Alisa Qotrunada. “Efektivitas Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik pada Kafe dan Tempat Karaoke atas Penggunaan Secara Komersial (Studi Penelitian di Kabupaten Gianyar dan Denpasar).” *Amar: Jurnal Ilmiah Hukum* No. 2 (2023): 19–45. <https://jurnal.untag-banyuwangi.ac.id/index.php/jurnalamar/article/view/223>

Pratiwi, Elsi, Kartika Dewi Irianto, dan Jasman Nazar. “Pembayaran Royalti atas Pemanfaatan Hak Cipta Lagu yang Dimainkan Grup Band di Kafe.” *Sakato Law Journal* No. 1 (2024): 17–24. <https://jurnal.umsb.ac.id/index.php/SLJ/article/view/5408>

INTERNET/WEBSITE

Novrian, Aditya. “Kafe dan Restoran di Malang Dapat Tagihan Royalti.” *Radar Malang*, 7 Agustus 2025. Diakses 22 November 2025. <https://radarmalang.jawapos.com/berita-terbaru/816401773/kafe-dan-restoran-di-malang-dapat-tagihan-royalti>

LMKN – Lembaga Manajemen Kolektif Nasional <https://www.lmkn.id/>

THESIS

Fadhil, Muhammad Rifqi. “Pengetahuan Hukum Pemilik Kafe atas Pembayaran Royalti atas Live Music (Studi pada Kafe di Jl. Raya Dermo Kecamatan Dau Kabupaten Malang).” Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2023.

<http://etheses.uin-malang.ac.id/54421/>

Halimatus Za’diah, Izrofil. “Tinjauan Sosiologi Hukum Islam terhadap Pertunjukan Live Music tanpa Membayar Royalti (Studi Kasus Beberapa Kafe di Kampung Inggris Desa Tulungrejo Kecamatan Pare Kabupaten Kediri).” Undergraduate thesis, IAIN Kediri, 2024.

<https://etheses.iainkediri.ac.id/16186/>

Rif’ati, Muhammad Ziyad. “Efektivitas Hukum Kewajiban Pembayaran Royalti atas Live Performance Perspektif Maqasid Syariah (Studi Kasus di Jl. Sudimoro Kecamatan Lowokwaru Kota Malang).” Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2024.

<http://etheses.uin-malang.ac.id/id/eprint/72363>

LAWS AND REGULATIONS

Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta

Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik

Peraturan Menteri Hukum Republik Indonesia Nomor 27 Tahun 2025 Tentang Peraturan Pelaksanaan Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik

Keputusan Menteri Hukum dan HAM Nomor: HKI.2.OT.03.01-02 Tahun 2016 tentang Pengesahan Tarif Royalti untuk Pengguna yang Melakukan Pemanfaatan Komersial Ciptaan dan/atau Produk Hak Terkait Musik dan Lagu

APPENDIXES

Appendix 1. Interview Question List

Pedoman Wawancara

Judul Penelitian : Implementasi Lisensi Royalti Musik dan Lagu oleh Pelaku Usaha Kafe

Rumusan Masalah :

1. Bagaimana implementasi lisensi royalti lagu dan musik oleh pelaku usaha di Unlock Coffee Garden Café Kabupaten Malang dan Lafayette Coffee & Eatery Kota Malang berdasarkan Undang-Undang Nomor 28 Tahun 2014?
2. Bagaimana tinjauan *Sadd Adz-Dzari'ah* terhadap penggunaan lagu dan musik oleh pelaku usaha di Unlock Coffee Garden Café Kabupaten Malang dan Lafayette Coffee & Eatery Kota Malang?

Pertanyaan Wawancara :

1. Dapatkah Bapak/Ibu ceritakan profil singkat kafe yang Bapak/Ibu Kelola? (tahun berdiri, lama usaha kafe beroperasi, jenis usaha, jumlah karyawan, kapasitas pengunjung)
2. Jenis hiburan musik apa saja yang disediakan di kafe? Apakah dengan adanya pemutaran musik tersebut mempengaruhi jumlah pengunjung dalam kafe yang bapak/ibu kelola?
3. Seberapa sering musik diputar dalam kegiatan operasional kafe? Apakah kafe memiliki playlist tertentu yang digunakan secara rutin untuk operasional harian?
4. Apakah Bapak/Ibu mengetahui bahwa penggunaan lagu atau musik dalam hal ini berbentuk pemutaran musik yang memiliki tujuan komersil seperti di kafe termasuk dalam objek lisensi dan pembayaran royalti? Dari mana Bapak/Ibu memperoleh informasi mengenai kewajiban membayar royalti?
5. Apakah kafe Bapak/Ibu selama melakukan pemutaran musik pernah mengajukan izin atau lisensi penggunaan lagu dan musik secara resmi? Jika belum, apa alasan yang mempengaruhi kafe Bapak/Ibu belum mengurus lisensi?
6. Apakah sejauh ini bapak/ibu pernah mendapatkan sosialisasi atau teguran mengenai pembayaran royalti dari pemerintah ataupun lembaga terkait royalti?
7. Bagaimana tanggapan Bapak/Ibu terhadap kebijakan pemerintah tentang kewajiban membayar royalti bagi usaha kafe yang memutar atau menampilkan *live music*? Apakah Bapak/Ibu merasa aturan tersebut sudah jelas dan mudah diterapkan di lapangan?
8. Apa kendala utama yang Bapak/Ibu alami dalam menerapkan aturan lisensi royalti musik?
9. Apakah adanya kewajiban lisensi ini berpengaruh terhadap keputusan kafe dalam memilih jenis musik yang diputar?
10. Bagaimana tanggapan manajemen terhadap ketentuan sanksi yang ada dalam UU No. 28 Tahun 2014? [Pada Pasal 113 Ayat 2 UU No. 28 Tahun 2014]
11. Menurut pandangan Bapak/Ibu, apakah penerapan lisensi royalti musik dapat membantu mencegah penyalahgunaan karya cipta? (Teori Sad Adz- Dzariah)
12. Apakah ada saran atau usulan dari Bapak/Ibu agar pelaksanaan lisensi royalti di sektor usaha kafe lebih efektif, adil, dan tidak memberatkan pelaku usaha?

Appendix 2. Research Permission Request Letter



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341)559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : 176 /F.Sy.1/TL.01/03/2026
Hal : **Permohonan Izin Penelitian**

Malang, 10 Maret 2026

Kepada Yth.
Manager Unlock Coffee Garden Cafe
Jl. Pamenang, Jetak Ngasri, Mulyoagung, Kec. Dau, Kabupaten Malang, Jawa Timur
65151

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Rifa Najla
NIM : 220202110097
Program Studi : Hukum Ekonomi Syariah

mohon diperkenankan untuk mengadakan penelitian dengan judul :
**Implementasi Lisensi Royalti Lagu dan Musik oleh Pelaku Usaha Kafe Perspektif
Hukum Positif di Indonesia**, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Dekan,

Umi Sumbulah

Tembusan :
1. Dekan
2. Ketua Prodi Hukum Ekonomi Syariah
3. Kabag. Tata Usaha



Picture 2. 1 Research Permission Request Letter



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341) 559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : 175 /F.Sy.1/TL.01/03/2026
Hal : **Permohonan Izin Penelitian**

Malang, 10 Maret 2026

Kepada Yth.
Manager Lafayette Coffee & Eatery
Jl. Semeru No.2, Oro-oro Dowo, Kec. Klojen, Kota Malang, Jawa Timur 65119

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Rifa Najla
NIM : 220202110097
Program Studi : Hukum Ekonomi Syariah

mohon diperkenankan untuk mengadakan penelitian dengan judul :
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Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Dekan,

Umi Sumbulah

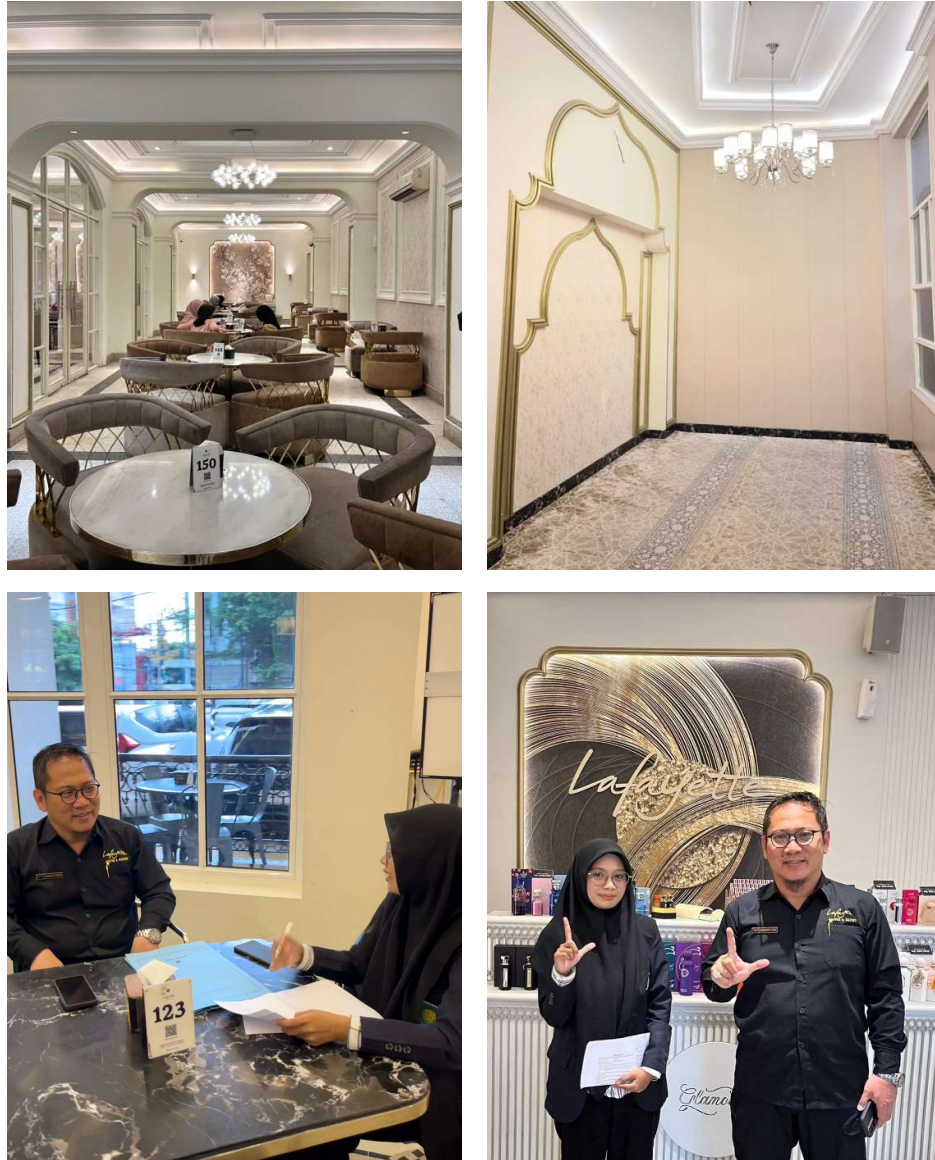
Tembusan :

1. Dekan
2. Ketua Prodi Hukum Ekonomi Syariah
3. Kabag. Tata Usaha



Picture 2. 2 Research Permission Request Letter

Appendix 3. Research Documentation



Picture 3. 1 Research Interview at Lafayette Coffee & Eatery



Picture 3. 1 Research Interview at Unlock Coffee Garden Café

CURRICULUM VITAE



A. Self-Identity

Name	:	Rifa Najla
Place and Date of Birth	:	Langsa, 20 April 2004
Student ID Number	:	220202110097
Department	:	Sharia Economic Law
Address in Malang	:	Bendungan Jatigede Road, Number 4, Lowokwaru District, Malang City, East Java
Home Address	:	Dusun SLTP 5, Gampong Teungoh, Langsa Kota District, Langsa City, Aceh
Phone Number	:	082162010780
Email	:	rifanajla20@gmail.com

B. Educational Background

No.	Education Level	School Names	Year
1.	Elementary School	Min 2 Langsa	2010-2016
2.	Junior High School	MTsS Ulumul Qur'an Langsa	2016-2019
3.	Senior High School	MAS Ulumul Qur'an Langsa	2019-2022