

Copyright Protection of Owners for Commercialized Use of Created Song Without Permission

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ABSTRACT

The current increase in the music industry in Indonesia is in line with the development of the complexity of the legal issues that accompany it. This then triggers the emergence of disputes over works in the music industry in cases of copyright for a work. Like the copyright infringement case that occurred between Ahmad Dhani and Once Mekel. This research aims to answer two legal issues, namely to analyze legal protection for copyright holders for commercial use of written songs without permission and to determine the legal consequences for commercial use of written songs without the creator's permission. The research method used in this research is analytical descriptive which describes the problems that occur which will be explained qualitatively. Based on the existing analysis, Ahmad Dhani has carried out preventive protection by informing the media that there is a prohibition on performing the song Dewa19 at commercial music concerts. The legal consequences for both civil and criminal violations have been regulated in Article 113 of Law No. 28 of 2014 concerning Copyright for violation of Economic Rights. The conclusion of this research is the issuance of Government Regulation No. 56 of

2021 to prioritize legal certainty and legal protection for creators regarding economic rights. The song copyright violation was committed by Once Mekel who sang the song Dewa19 without Ahmad Dhani's permission and did not pay royalties and this violation is regulated in Article 113 of Law No. 28 of 2014 concerning Copyright.

Keywords: Copyright; Legal Consequences; Protection; Royalty; Songs

I. INTRODUCTION

In Indonesia there is law number. 28 of 2014 concerning Copyright as a legal umbrella for a person or group of people who wish to obtain legal protection or legal certainty regarding their work so that their rights are not violated by other parties who intentionally or without permission. Recently, there has been a case of copyright infringement involving two prominent musicians in Indonesia, namely Ahmad Dhani and Once Mekel. The case has attracted public attention because of the acquisition of copyright in line with personal interests. The case was then one of the cases of copyright infringement in the field of art, especially music, which then became a study in carrying out regulations regarding copyright. In this case, copyright infringement became a polemic because of the difference in perspective between the songwriter and the singer. The dispute was motivated by the statement of one of the parties as the creator of the song, who is not allowed to perform songs that are commercialized through concerts. This then triggered a copyright dispute that was in line with the study of copyright infringement itself. In this case, it is known that copyright infringement occurred due to the carrying of a work that was commercialized and then widely known by the public. The work through the song also has substantial value in intellectual property because the existing work is dynamic and can be performed through version reduction by the public. From this, the performance of the song that is in dispute has the value of both parties because it can improve its image in society.

The case is then important considering that intellectual property in copyright is a basic right that must be fulfilled for the creator as the main party who can benefit from

the commercialization of existing works. Intellectual property rights protection aims to provide protection for copyright and to support and reward creative works. This protection is provided to encourage new advances in industry, art, and science. The protection of intellectual property rights provides many economic rights, which can encourage the economic growth of a country.¹ In relation to this case, the concept of legal protection of copyright can be used to bridge how the law is implemented in fulfilling moral rights and economic rights in a creation.² In this case, moral rights are a sign of ownership for the creator of a work that has been created. As well as economic rights which are the right to obtain economic benefits from a copyrighted work for the owner. Through the Copyright Law, the fulfillment of these two aspects is known to be used to improve the creator's condition for intellectual abilities in the form of creativity for the owner. From this, legal protection for a work is a protection that is obtained automatically by the creator.³

For this reason, this study has an analytical focus on the implementation of protection law in the case of a work dispute that occurred between Ahmad Dhani and Once Mekel. Case has a uniqueness because the two parties involved are public figures who widely known by the community, and even has influence in society regarding orientation interests, both in the political field and in the music industry itself. Researchers are interested in studying and researching more deeply about the protection of song copyright with the title "Analysis of Protection of Copyright Owners for Commercialized Use of Created Song Without Permission"

This research is normative law which is carried out by examining library materials or secondary data which is also called doctrinal research. The data sources this research come from primary legal materials, namely Government Regulation No. 56 of 2021 concerning Management of Song and/or Music Copyright Royalties and Law No. 28 of 2014 concerning Copyright, secondary legal materials sourced from scientific publications of books, textbooks, legal journals, jurisprudential legal cases related to the

¹ Sudjana. "Sell Selling Mechanism Before and After the Enactment of the Law on Copyright in the Perspective of National Economic Development in the Era of Globalization." *Journal of Legal Studies*, Vol. 3, No. 1, 2019, pp. 93-106, <https://e-jurnal.lppmunsera.org/index.php/ajudikasi/article/view/694>.

² Indriani, I. "Intellectual Property Rights: Legal Protection of Musical Copyrights." *Journal of Law*, Vol. 2, No. 7, 2018, pp. 246-263, <https://festiva.ejournal.unri.ac.id/index.php/JIH/article/view/5703>.

³ Mahfus, A. L. "The Law on Intellectual Property Rights (IPR) in Indonesia." *Journal of Legal Certainty and Justice*, Vol. 1, No. 2, 2020, pp. 47-59, <https://jurnal.um-palembang.ac.id/KHDK/article/view/2592/1924>.

research topic, tertiary legal materials which provide additional instructions or explanations to primary legal materials and secondary legal materials. The analysis technique in this research is a descriptive analytical technique which describes the problems that occur which will be analyzed qualitatively using words and sentences to create material for discussion that is systematic, easy to understand and can be accounted.

II. DISCUSSION

2.1 Legal Protection for Copyright Holders for Commercial Use of Songs They Create Without Permission

The case of a dispute over the work that occurred between Ahmad Dhani and Once Mekel is a case that is suspected of having an ownership orientation over existing work rights in the work. It then has a procedural law study in order to comply with the provisions of dispute resolution that occur. In this case, Ahmad Dhani is a public figures who own the copyright to the work in dispute. Once Mekel as Musicians and public figures are parties who intersect with copyrighted works because of the existence Commercialization of a work through the performance of a song in a concert. From these disputes, copyright fulfillment can then be used as a way to because in the Law on copyright and legal protection of Cipta, the orientation of the existence of legal protection is law enforcement that providing protection for copyright holders, who in that case are the owners of the work originality.⁴

Copyright serves as a foundation for protecting unique intellectual works, including technological and artistic works. In accordance with Article 1 paragraph (1) of the Copyright Law, without prejudice to the legal limitations imposed on legally binding property rights known as intellectual property rights. The copyright law is a law that regulates property rights, especially in Indonesia. Even though it has been implemented, there is still a possibility of infringement caused by the low public awareness of intellectual property law, especially related to copyrighted works.⁵

Legal protection is an effort to protect the rights and interests of individuals or groups in society so that they are not harmed by others. In Indonesia, legal protection for

⁴ Winata, T. P., et al. "Legal Protection of Non-Fungible Token (NFT) Digital Artworks Based on Law Number 28 of 2014 concerning Copyright." *Syntax Literate: Indonesian Scientific Journal*, Vol. 7, No. 12, 2023, pp. 18001-18011, <https://doi.org/10.36418/syntax-literate.v7i12.10779>.

⁵ Supasti, N. K. Dharmawan. *Intellectual Property Rights (HKI)*, Yogyakarta, Deepublish, 2016, pp. 38-39

copyright holders has been regulated in the Copyright Law. And the copyright holder of the song has rights called Moral Rights and Economic Rights.⁶With the existence of legal protection which is created as a means or instrument to regulate the rights and obligations of legal subjects. In addition, the law serves as a tool to protect the subject of law. According to Philip M. Hadjon, legal protection includes the protection of dignity and dignity as well as the recognition of human rights owned by legal subjects based on arbitrary legal provisions. So that Legal Protection is an act to protect a person's rights which is carried out to get justice based on the law that is currently in force in a preventive and repressive manner.⁷

In preventive legal protection, legal subjects are given the opportunity to submit their objections or opinions before a government decision. The goal is to prevent disputes. Preventive legal protection is very meaningful for government actions based on freedom of action because with preventive legal protection, the government is encouraged to be careful in making decisions based on discretion. While repressive legal protection is the last protection effort in the form of sanctions, the sanction is in the form of fines, compensation for this sanction is given if there has been a violation or dispute. The government provides repressive protection by enforcing song copyright infringement by resolving disputes.

In this case, related to Preventive and Repressive protection, Ahmad Dhani has implemented preventive legal protection, namely by informing the media that there is a prohibition on performing Dewa19 songs at music performances or music concerts of a commercial nature. Meanwhile, Repressive legal protection is how disputes are resolved. The dispute resolution is based on Article 95.

When viewed from the legal side of Intellectual Property Rights regarding Copyright, Once Mekel performing Songs from Dewa 19 without permission from the Copyright owner for these songs can be said to be a violation of economic rights. This was emphasized in Ahmad Dhani's statement about Once Mekel not paying royalties since 2010 can be called a violation of Economic Rights, because when singing songs from the band Dewa 19, Once Mekel did it for commercial purposes. So based on the concept of Copyright itself, it is appropriate and appropriate for Ahmad Dhani as the

⁶ Raharjo, Satjipto, *Other Sides of Indonesian Law*. Yogyakarta, Penerbit Buku Kompas, 2003, p. 121

⁷ Hadjon, Philipus M., and Rahardjo, Sapjito. "Protection Theory According to Experts", <https://www.himahlilt63366cd94dcbc/>, accessed on May 13, 2024.

owner of the right to feel disadvantaged. Commercial use of a song without permission from the copyright holder or creator of the song is clearly an act of infringement of Copyright. However, if the singer gets a permit or commonly called a license, then the songwriter or copyright holder of the song must get a royalty for the publication of the song sung by the singer through a license scheme. This is a regulation that has been expressly regulated in regulations as a form of regulation on copyright and also as an appreciation for the creator of the song, then the creator can feel the economic rights to the work he created.⁸

With the existence of Government Regulation Number 56 of 2021 which was passed on the basis of increasing awareness of the interests of copyright owners whose rights must be protected, with the establishment of Government Regulation Number 56 of 2021, the payment of royalties is further strengthened in its implementation, especially in the economic rights of the rights holders and this policy can be one of the old handles for musicians, Because musicians get paid for their work. Thus this royalty arises because of copyright, copyright itself is a private right and is a civil right inherent to the creator. Article 1 paragraph (1) of Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties stipulates that Royalties are payments made to the creator of a work or the owner of related rights when the work is used commercially.⁹

2.1.1 Analysis Regarding the Use of Song Copyrights with Permission

According to Government Regulation No. 56 of 2021, Article 1 Paragraph (9) defines a license as written permission given by the copyright holder or owner of related rights to another party to exercise economic rights over a work or related rights product under certain conditions. The explanation of the article shows that a license is permission given by the license owner to the licensee to exploit or use his creation with certain conditions and a certain period of time that have been agreed upon by both parties, both the license owner and the licensee.¹⁰

⁸ Adnan, Rais. "Ahmad Dhani Royalty Chaos and Once Mekel", <https://skor.id/post/kisruh-royalti-eks-ketum-pssi-iwan-bule-kawalmomen-percepat-ahmad-dhani-dan-once/>, accessed on June 2, 2024.

⁹ See in article 1 paragraph (1) of Government Regulation No.56 of 2021 concerning the Management of Song and/or Music Copyright Royalti.

¹⁰ Karjono, *Copyright Transfer License Agreement*. Bandung, PT Alumni, 2012.

Based on the explanations above, the license agreement between the creator and another party receiving the transfer of copyright is a civil agreement that regulates the transfer of copyright from the creator to the copyright holder. The next copyright holder, based on an agreed written agreement.¹¹

Therefore, this license agreement can be called a written copyright transfer agreement because it is not only based on the Copyright Law but is also based on the legal terms of the agreement as regulated in Article 1320 of the Civil Code. The initial stage of the license agreement begins with the approval and signature stage before the implementation stage, which includes a process that includes the legal requirements of the agreement, which is regulated in article 1320 of the Civil Code which stipulates that, for the validity of an agreement, four (4) conditions are required.¹²

2.1.2 Analysis Regarding Use of Song Copyrights Without Permission

In relation to the use of song copyright without permission, it is a crime in the realm of copyright law, where the use of economic rights to a work is carried out without permission and can be categorized as a copyright violation which has legal consequences. In the provisions of the Copyright Law, it has been explained that anyone who without rights and/or without permission violates economic rights for commercial purposes, that person shall be sentenced to imprisonment for a maximum of 2 (two) years or a fine of a maximum of IDR 300,000,000.00 (three hundred million rupiah).¹³

Furthermore, in the case of violations of economic rights over a work for commercial purposes, it is not only seen from the content of the copyright itself, but can also be seen from the form of the violation. This copyright violation can take the form of a copyright violation that contains civil elements and a copyright violation that contains criminal elements. Copyright violations that contain civil elements are usually proven by the existence of losses on the part of the creator or copyright holder, both material and

¹¹ Look at article 1320 of the Civil Code regarding the conditions for the validity of an agreement

¹² See article 1 paragraph (1) PP No.56 of 2021 concerning Management of Song and/or Music Copyright Royalties

¹³ See Article 112 of Law No. 28 of 2018 concerning Copyright

immaterial, while copyright violations that contain criminal elements are proven by the fulfillment of criminal elements.¹⁴

In this case, a creator is advised to register his copyright so that it can be easily proven. so that other parties cannot exploit the exclusive rights to copyrighted songs commercially without permission from the creator. Commercial exploitation in the use of a work and/or related rights products with the aim of obtaining economic benefits from various sources or for certain compensation. Music performances or concerts performed by Once Mekel without permission can be categorized as a violation of the creator's economic rights. Furthermore, economic rights in copyright are the right to obtain economic benefits from the creation. Copyright in this case, including songs, has economic rights because copyright is one of the intellectual property rights that can be valued in money. This economic right must be fulfilled because the intellectual results can be utilized by other parties who will also generate profits. In this case too, music concerts are used by other parties that generate profits. One of the profits from music concerts is obtained from ticket sales and sponsorships.

2.2 Analysis Regarding Use of Song Copyrights Without Permission

Based on Article 1 paragraph (2) of Government Regulation No. 56 of 2021, it is explained that Copyright is the exclusive right of the creator that arises automatically based on the principle of declarative after a work is realized in a tangible form without reducing restrictions in accordance with laws and regulations. The provisions of the article clearly state that the protection of Copyright is automatic protection.¹⁵ The copyright to a song is born from the moment the song can be listened to and has been attached since the first time the song was manifested in a real work, as evidenced by the existence of musical notation and/or no verse.¹⁶ Because the song creation still receives legal protection even though it is not registered, Copyright registration is required as

¹⁴ Riswandi. "Problems of Infringement and Legal Steps on Copyright for Music and Songs." *Ius Quia Lustun Law Journal*, Vol. 16, No. 4, October 2009, pp. 569-592, <https://journal.uii.ac.id/IUSTUM/article/view/3858/3438>.

¹⁵ Lina, Komang Desak, et al. "Copyright Protection Against the Use of Songs as Background Sound for Videos on the YouTube Site." *Kertha Semaya Legal Science Journal*, Vol. 7, No. 10, 2019, p. 8, <https://doi.org/10.62281/v2i1.118>.

¹⁶ Septiana, et al. "Legal Protection for Songwriters Whose Songs Are Sung Without Permission Based on the Copyright Law." *Kertha Semaya Legal Science Journal*, Vol. 7, No. 10, 2019, p. 5, <https://jurnal.harianregional.com/kerthanegara/full-71057>.

authentic evidence in court in cases where someone else claims ownership of the same song. Each party claiming ownership of the song must be able to prove that he is the one who created it.

The use of creative works, especially music and songs, is an act that is allowed. The way that can be done is to apply for a permit to the owner of the rights to the music, this permit can be in the form of a license agreement. This license is a form of written permission from the copyright owner to other parties to use the ownership rights of their work with certain conditions. In this case, Government Regulation Number 56 of 2021 states that everyone can use music and music for commercial purposes on the condition that they are subject to royalty payments. Government regulations state that commercial forms are public places, such as restaurants, cafes, pubs, concerts, transportation, bars, hotels, and karaoke businesses. To follow up on the infringement of copyright use, the Copyright Law has also explained the protection efforts that can be carried out.¹⁷ The right of a work can also be equated with Economic Rights The right to grant rights to the creator or Copyright Holder within a certain period of time for the benefit of Economic Rights over his work. The Creator has provided satisfaction or something meaningful or added value to society. Therefore, it is very natural for people who benefit from a copyrighted work to reward the creator or copyright holder.¹⁵ In this case, based on Article 9 paragraph (1) of the Copyright Law, it is explained that the Creator or Copyright Holder has several economic rights, including the right to publish, duplicate, translate, adapt, compile, or change, distribute, display, announce, communicate, and rent the work.

Based on the Copyright Law, all parties who have used copyrighted works, namely songs belonging to other people for commercial purposes, then that person has an obligation to ask permission from the creator of the song and must pay royalties on the use of the song. By using a song for a music concert without the permission of the creator, this is a form of violation of Economic Rights. Infringement of the Creator's Economic Rights committed without the permission of the Creator or Copyright Holder which is then used for commercial purposes and also without paying royalties or rewards that the

¹⁷ Marchellia, Namira Sheila. "Prohibition on Performing Songs Without Permission Based on the Copyright Law." *Journal of Intellectual Property*, Vol. 6, No. 1, 2023, p. 26, <https://www.journal.uui.ac.id/JIPRO>.

Creator must receive is a form of criminal offense.¹⁸ If you look at the use of songs in music concerts without the permission of the creator carried out by Once Mekel who performed the song of the Dewa19 Band Group without Ahmad Dhani's permission, then it is a violation of the Creator's Economic Rights. By using the song without the permission of the creator to generate profits, it violates Article 9 paragraph (3) of the Copyright Law

Therefore, Ahmad Dhani has given a warning to Once Mekel and if Once Mekel violates this, there are legal consequences for the violation, both civil and criminal violations have been regulated in Article 113 of the Copyright Law which explains that criminal sanctions for violations of commercial Economic Rights are threatened with imprisonment for a maximum of 1 (one) year and/or a maximum fine of Rp 100,000,000 (one hundred million rupiah), and performing songs without the permission of the Creator or Copyright Holder that is used commercially, is threatened with a maximum penalty. imprisonment for a maximum of 3 (three) years and/or a maximum fine of Rp 500,000,000 (five hundred million rupiah).

2.2.1 Analysis Regarding Legal Certainty regarding the Use of Song Copyrights

Legal certainty is an important element in a legal state. Legal certainty is defined as a situation where everyone can know their rights and obligations clearly and definitely so that they can obtain justice fairly and correctly. Legal certainty is an important element in legal protection.¹⁸

With the government issuing Government Regulation No. 56 of 2021 to prioritize legal certainty and legal protection for song and/or music copyright owners regarding economic rights. The existence of these economic rights is of course in line with Article 3 paragraph (1) of Government Regulation no. 56 of 2021 which states that: "*Payment of royalties is mandatory if anyone wants to use the results of the work in the form of songs and/or music for commercial purposes in public spaces. With royalties paid.*"

If royalties are paid, this provides certainty and legal protection for related parties so that they can obtain the profits they should obtain from the results of their creations. Apart from that, in practice there are still parties who use these songs and/or music with

¹⁸ Alfons, Maria. "Legal Certainty of Acquisition of Intellectual Property Rights." *Jatiswara Law Journal*, Vol. 13, No. 2, 2017, p. 39, <https://doi.org/10.29303/jtsw.v3i1i2.51>.

the aim of making a profit for themselves without paying royalties, so that royalty collection is considered less than optimal. In previous years, song and/or music copyright owners were still not treated fairly in accordance with their rights, many business actors did not pay royalties, so this became a concern for copyright owners related to their work.¹⁹

In terms of resolving the dispute that occurred between Ahmad Dhani and Once Mekel, it was resolved through mediation. Mediation is an alternative in resolving disputes that occur, because as is known, disputes are motivated by differences in perspectives in the use of a work. This mediation is also carried out as one way of resolving copyright disputes as stated in Article 95 of the Copyright Law which states that apart from related copyright violations in the form of piracy, as long as the whereabouts of the parties concerned are known and located in the territory of the Unitary State of the Republic Indonesia, this must first resolve the dispute through mediation before carrying out criminal charges. Therefore, based on the mediation carried out at the Office of the Ministry of Law and Human Rights, the mediation resulted in an agreement that the alleged violator, namely Once Mekel, would not sing or perform the related work within the specified time. This, if viewed from the legal protection for copyright holders, is the fulfillment of intellectual property rights in terms of usefulness, which is an exclusive right for creators based on declarative principles.

2.2.2 Analysis Related to Copyright Use Procedures

Procedures for recording copyright as regulated in article 66 of Law Number 28 of 2014 concerning Copyright which states that²¹:

- 1) *Registration of Works and Related Rights products is submitted with a written Application in Indonesian by the Creator, Copyright Holder, Owner of Related Rights, or their Proxy to the Minister*
- 2) *Applications as intended in paragraph (1) are made electronically and/or non-electronically by: (a) include examples of the Work, Related Rights products, or their replacements; (b) attach a statement of ownership of the Work and Related Rights; (c) pay fees.*

Furthermore, Article 67 of Law Number 28 of 2014 concerning Copyright reads²²:

¹⁹ Syahputra, Rizky. "Protection for Musicians of Copyright in Royalty Payments." *Semarang Law Review*, Vol. 3, No. 1, 2022, p. 84, <http://dx.doi.org/10.26623/slr.v3i1.4783>.

- 1) *In the event that the Application as intended in Article 66 paragraph (1) is submitted by: (a) several people who jointly have rights to a work or related rights product, the application must be accompanied by a written statement proving that right; or (b) legal entity, the application is accompanied by an official copy of the deed of establishment of the legal entity which has been ratified by an authorized official.*
- 2) *If the application is submitted by several people, the names of all the applicants must be written, specifying the address of the selected applicant.*
- 3) *In the event that the application is submitted by an applicant who comes from outside the territory of the Unitary State of the Republic of Indonesia, the application must be made through an intellectual property consultant who is registered as an attorney."*

Therefore, after fulfilling the requirements as stated in Article 66 and Article 67 of the Copyright Law, the next process is the process of examining the application by the Minister. The purpose of the examination is to find out whether the work or related rights product that has been applied for is the same or not as an existing and previously recorded work. The song and/or music registration process is based on Minister of Law and Human Rights Regulation Number 42 of 2016 concerning Electronic Intellectual Property Application Services. Copyright registration, known as recording, can only be done electronically or online. Based on Article 1 paragraph (2) Minister of Law and Human Rights Regulation No. 42 of 2016 concerning Electronic Intellectual Property Application Services, the term used is electronic intellectual property application, which states that²³:

"Electronic Intellectual Property Application, hereinafter referred to as Intellectual Property Application, is the submission of an Intellectual Property application made through the Intellectual Property information system"

One of the objects of intellectual property that can be applied for in the Regulation of the Minister of Law and Human Rights Number 42 of 2016 concerning Electronic Intellectual Property Application Services is Copyright. Applications can be made via the official website of the Directorate General of Intellectual Property (DJKI).²⁴ Furthermore, based on Article 10 of the Regulation of the Minister of Law and Human Rights, if there

is a disturbance in the Intellectual Property Information System which results in the Electronic Intellectual Property Application service not functioning, then the intellectual property application service can be carried out non-electronically. Recording can be done by individuals or companies. Here is the procedure:

a) Register an account

The copyright account registration process can be done via the official DJKI website. The purpose of registering an account is to get an account username and password.

b) Upload files

In the copyright registration process, after registering an account, the process of uploading data/document files is then carried out. The documents that must be uploaded in this process are as follows

1. Statement Letter

The contents of the statement letter include information regarding the identity of the creator and a statement of the originality of the work.

2. Letter of Transfer of Rights

If there is a difference between the name of the creator and the name of the copyright holder, a letter of transfer of rights and a statement made by the copyright holder must be attached.

3. Examples of Creations

There are several specific provisions that creators must pay attention to when registering copyright. This provision is that if the work being registered is in the form of a song or music with or without text, the example file of the work uploaded is a recording/sheet music (Number notation/block notation) in mp4/pdf format. In addition, the maximum file size uploaded is 20 Mbps.

4. Payment

Based on Article 66 paragraph (2) letter c Law Number 28 of 2014 concerning Copyright, there is an obligation to pay a fee in submitting an application. If the initial registration process has been carried out according to the provisions and is declared complete, the next process is

the payment process using a billing code which is valid for 3 calendar days. (billing code obtained in the copyright registration account).

5. Formalities/Verification

The verification process is carried out on the completeness of the required files/documents that have been uploaded during the file upload process. The authenticity or correctness of all files/documents that have been uploaded will be the responsibility of the applicant. If it is stated that there is a shortage of required files/documents, DJKI will notify the applicant to immediately complete the missing files.

6. Approve

After checking all the files and declaring them complete, then the registration of the Creation will be approved.

7. Certificate Printing

The final process is the printing and issuance of copyright certificates which is carried out by the Minister of Law and Human Rights. Apart from this process, the process of recording the creation in the general register of creations is also carried out. The copyright certificate can be downloaded and printed by the applicant via the applicant's account. To ensure the authenticity of the data, you can scan the QR code contained in the Creation Registration Letter. The processing time for completion is a maximum of 1 (one) working day, unless the type of work is excluded.

III. CONCLUSION

The fulfillment of these rights is known to be oriented to how to fulfill the moral and economic aspects which are the benefits of the work produced. Thus, the implementation of law enforcement in these cases is oriented to how copyright protection law is used to restore the usefulness of a work to its owner. The implementation of this is also known to be seen from how the existing law is enforced, which can provide a deterrent effect for copyright violators. This can also be known from the analysis in this study, which proves that the focus of implementing copyright protection in copyright infringement cases can be done through mediation. Existing mediation can also be an alternative solution that is in line with preventive and repressive efforts for the

implementation of copyright protection. Through the approach of Law Number 28 of 2014 concerning Copyright, and Government Regulation No. 56 of 2021. Regarding copyright, it is also related to the implementation of law enforcement and legal certainty in existing cases, which is also a stipulation in the implementation of legal protection for related parties.

BIBLIOGRAPHY

Books

- Dawn, Mukti, et al. *Dualism of Normative and Empirical Legal Research*. Yogyakarta, Student Library, 2010.
- Gautama, Muhammad Andhika, *Legal Protection of Video Clip Copyright Against Making Parody Videos Based on Law Number 28 of 2014 concerning Copyright*. Jember, Faculty of Law, Jember University, 2015.
- Harsono, Sumarto Adi, *Intellectual Property Rights, Especially Copyright*. Jakarta, Akademika Persindo, 1990.
- Hendra, Tanu, *Copyright of Songs or Music*. Jakarta, University of Indonesia, 2003.
- Hidayah, Khoirul, *Intellectual Property Law*. Malang, Setara Press, 2017.
- Karjono, *Copyright Transfer License Agreement*. Bandung, PT Alumni, 2012.
- Margono, Suyud, *Legal Aspects of Intellectual Asset Commercialization*. Bandung, Nuansa Aulia, 2010.
- Muhaimin, *Legal Research Methods*. Mataram, Mataram University Press, 2020.
- Munnandar, Harris, et al, *Getting to Know Intellectual Property Rights: Copyrights, Patents, Trademarks and Their Intricacies*. Jakarta, Erlangga, 2008.
- Nasution, Bahder Johan, *Legal Research Methods*. Bandung, Mandar Maju, 2008.
- Prakoso, Abiatoro, *Protection Law*. Yogyakarta, Laksbang Pressindo, 2016.
- Raharjo, Satjipto, *Other Sides of Indonesian Law*. Yogyakarta, Penerbit Buku Kompas, 2003
- Rahmi, Jenet, *Copyright Law (Copyright's Law)*. Bandung, PT Citra Aditya Bakti, 2004.
- Saidin, *Legal Aspects of Intellectual Property Rights*. Jakarta, Rajawali Press, 2010.
- Soekanto, Soerjono, et al, *Normative Legal Research: A Brief Overview*. Jakarta, Raja Grafindo Persada, 2013.

Sugiono, *Quantitative, Qualitative and R&D Research Methods*. Bandung, Alfabeta, 2017.

Supasti, N. K. Dharmawan, *Intellectual Property Rights (HKI)*. Yogyakarta, Deepublish, 2016.

Usman, Rachmadi, *Intellectual Property Rights Law Protection and Legal Dimensions in Indonesia*. Bandung, Alumni, 2003.

Journals

Agustianto, A., et al. "Judicial Analysis of the Application of Copyright as an Object of Fiduciary Guarantee." *Journal of Judicial Review*, Vol. 21, No. 2, 2019, (halaman), <http://dx.doi.org/10.32529/yustisiabel.v6i2.1835>.

Alen, M. "Normative Review of the Position of the National Collective Management Institute (LMKN) as a State Auxiliary Organ Based on Government Regulation no. 56 of 2021 concerning Management of Song and/or Music Copyright Royalties." *Dialogia Iuridica: Legal Journal*, Vol. 13, No. 2, 2022, (halaman), <https://doi.org/10.28932/di.v13i2.4215>.

Alfons, Maria. "Legal Certainty of Acquisition of Intellectual Property Rights." *Jatiswara Law Journal*, Vol. 13, No. 2, 2017, p. 39, <https://doi.org/10.29303/jtsw.v31i2.51>.

Dewi, Nimade Trisna. "Non-Litigation Dispute Resolution in Civil Dispute Resolution." *Journal of Legal Analysis*, Vol. 5, No. 1, 2022, (halaman), <https://doi.org/10.38043/jah.v5i1.3223>.

Disemadi, H. S., et al. "Self-Plagiarism in the Academic World from the Perspective of Indonesian Copyright Regulations." *Legality Legal Journal*, Vol. 13, No. 1, 2021, (halaman), <http://dx.doi.org/10.33087/legalitas.v13i1.236>.

Frangkiano, Randang B. "The Validity Period of Economic Rights of Creators or Copyright Holders According to Law Number 28 of 2014 concerning Copyright." *Lex Privatum Journal*, Vol. IX, No. 1, 2021, (halaman), <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/32037>.

Indriani, I. "Intellectual Property Rights: Legal Protection of Musical Copyrights." *Journal of Law*, Vol. 2, No. 7, 2018, <https://festiva.ejournal.unri.ac.id/index.php/JIH/article/view/5703>.

- Juriadi, Rokhim Abdul, et al. "Legal Protection of Rights Holders Regarding Copyright for Covering Songs on Facebook (According to Law No. 28 of 2014 concerning Copyright and Islamic Law)." *USM Law Review Journal*, Vol. 6, No. 2, 2021, (halaman), <https://repository.unisma.ac.id/handle/123456789/1544>.
- Lina, Komang Desak, et al. "Copyright Protection Against the Use of Songs as Background Sound for Videos on the YouTube Site." *Kertha Semaya Legal Science Journal*, Vol. 7, No. 10, 2019, (halaman), <https://doi.org/10.62281/v2i1.118>.
- Mahfus, A. L. "The Law on Intellectual Property Rights (IPR) in Indonesia." *Journal of Legal Certainty and Justice*, Vol. 1, No. 2, 2020, (halaman), <https://jurnal.um-palembang.ac.id/KHDK/article/view/2592/1924>.
- Marchellia, Namira Sheila. "Prohibition on Performing Songs Without Permission Based on the Copyright Law." *Journal of Intellectual Property*, Vol. 6, No. 1, 2023, (halaman), <https://www.journal.uui.ac.id/JIPRO>.
- Neltje, Jeane. "Legal Protection of Copyright Holders Against Commercial Procurement in Article 9 of the Copyright Law." *Karth Bhayangkara Journal*, Vol. 17, No. 2, 2023, (halaman), <https://ejurnal.ubharajaya.ac.id/index.php/KRTHA/article/view/806>.
- Riswandi. "Problems of Infringement and Legal Steps on Copyright for Music and Songs." *Ius Quia Lustun Law Journal*, Vol. 16, No. 4, October 2009, pp. 569-592, <https://journal.uui.ac.id/IUSTUM/article/view/3858/3438>.
- Septiana, et al. "Legal Protection for Songwriters Whose Songs Are Sung Without Permission Based on the Copyright Law." *Kertha Semaya Legal Science Journal*, Vol. 7, No. 10, 2019, (halaman), <https://jurnal.harianregional.com/kerthanegara/full-71057>.
- Sudjana. "Sell Selling Mechanism Before and After the Enactment of the Law on Copyright in the Perspective of National Economic Development in the Era of Globalization." *Journal of Legal Studies*, Vol. 3, No. 1, 2019, (halaman), <https://e-jurnal.lppmunsera.org/index.php/ajudikasi/article/view/694>.
- Syahputra, Rizky. "Protection for Musicians of Copyright in Royalty Payments." *Semarang Law Review*, Vol. 3, No. 1, 2022, (halaman), <http://dx.doi.org/10.26623/slr.v3i1.4783>.

Winata, T. P., et al. "Legal Protection of Non-Fungible Token (NFT) Digital Artworks Based on Law Number 28 of 2014 concerning Copyright." *Syntax Literate: Indonesian Scientific Journal*, Vol. 7, No. 12, 2023, (halaman), <https://doi.org/10.36418/syntax-literate.v7i12.10779>.

Law and Regulations

Government Regulation Number 56 of 2021 concerning Management of Rights Royalties for Songs and/or Music.

Law Number 28 of 2014 concerning Copyright.

Minister of Law and Human Rights Regulation Number 42 of 2016 concerning Electronic Intellectual Property Application Services.

Online Resources

Adnan, Rais. "Ahmad Dhani Royalty Chaos and Once Mekel", <https://skor.id/post/kisruh-royalti-eks-ketum-psi-iwan-bule-kawalmomen-percepat-ahmad-dhani-dan-once/>, accessed on June 2, 2024.

Dita, Salwa. "The Newly Passed Music Playing Royalty Regulations Cause Various Reactions", <https://www.ussfeed.com/pro-kontra-royalti-putar-musik-pengusaha-gak-pas-untuk-kini/>, accessed on January 26, 2024.

Fachra Mirza. "Legal Aspects Related to Music Licenses and Royalties on Radio", <https://ultahost.com/blog/id/Aspects-legal-terkait-leksi-musik-dan-royalties-on-radio/>, accessed on May 13, 2024.

Gramedia Blog. "Understanding Rights According to Experts", <https://www.gramedia.com/literasi/pengertian-hak-menurut-para-ahli/>, accessed on January 10, 2024.

Hadjon, Philipus M., and Rahardjo, Sapjito. "Protection Theory According to Experts", <https://www.himahlilt63366cd94dcbc/>, accessed on May 13, 2024.

Hidayat, Mochamad Arif. "Reproducing Songs Not for Commercial Purposes", <https://megapenerjemah.com/>, accessed on February 22, 2024.

Permatasari, Eriska. "Listening to Songs in a Cafe", <https://www.mediajustitia.com/edukasi-Hukum/putar-lagu-di-restoran-cafe-how-hak-kekayaan-intellektualnya/>, accessed on May 13, 2024.

Pranala Link. "Big Indonesian Dictionary", <https://kbbi.web.id/hak/>, accessed on January 10, 2024.

Setiawaty, Lucky. "Does Re-Singing Songs Violate Copyright", <https://www.Hukumonline.com/klinik/detail/ulasan/lt506ec90e47d25/baik-menyanyikan-ulanglagu-orang-lain-melanggar-hak-copy/>, accessed on May 13, 2024.