

SOCIAL FUNCTIONS OF COPYRIGHT: THE DYNAMICS OF BALANCING THE INTERESTS OF THE CREATOR WITH THE INTERESTS OF THE COMMUNITY OF USERS OF THE WORK

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Abstract

The purpose of this study is to analyze: 1) What is the dynamic of the use of works by the community of users of works without the author's permission in Indonesia in relation to the social interests of copyright? 2) To what extent are copyright regulations able to anticipate and overcome the use of works without the author's permission, especially for commercial purposes? 3) What is the ideal regulation in balancing the interests of the creator with the interests of the community that uses the work?. The research method used is normative juridical with a statutory approach, concept approach, and case studies. The results showed that: 1) The term IPR is a translation of *Intellectual Property Right* (IPR), as stipulated in law Number 7 of 1994 concerning the ratification of the WTO (*Agreement Establishing The World Trade Organization*). IPR is classified as intangible movable objects. Objects are defined as symptoms of something that can be used as objects of property rights. 2) A copyrighted work is highly protected and cared for by the government. In addition to the laws described above, Indonesia also still has regulations related to copyright. The regulation is contained in the Government Regulation of the Republic of Indonesia Number 1 of 1989 concerning Translation and / or Reproduction of Creations for the Benefit of Education, Science, Research and Development; Government Regulation of the Republic of Indonesia Number 7 of 1989 concerning Amendments to Government Regulation Number 14 of 1986 concerning the Copyright Board; Government Regulation of the Republic of Indonesia Number 16 of 2020 concerning Recording of Works and Related Rights Products; and Government Regulation of the Republic of Indonesia Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties. 3) The creator has an exclusive right, namely the right to prohibit other parties from using or utilizing the work without his permission (license), so the general provisions of copyright law explain that parties who use or use the work of others must seek prior approval from the creator or copyright holder, but there are exceptions, namely for the benefit of developing science, education that is not commercial.

Keywords: Social Function, Copyright, Dynamics, Balance, Interests, Creator, Community, User, Creation.

INTRODUCTION

Background

Basically in the world of copyright there are two major blocks of philosophy or culture about copyright that contradict each other, namely the philosophy adopted by France with the *tradition of Civil Law* (civil law) and the philosophy adopted by the United States with the *Anglo-Saxon tradition*. French copyright law was heavily influenced by medieval views

of natural law and gave more attention and legal protection to creators as an implementation of natural *rights*, while the American tradition had other views on copyright that tended to be more influenced by *utilitarian* views rooted in *hedonistic* philosophy ("That pleasure was the highest or the only intrinsic good"¹) of Greek philosophers who tended to rule out giving protection to the creator, but rather emphasized the achievement of greater benefits for society at large. So it tends to provide more protection to creation and not to creators.²

Copyright naturally gives economic rights and moral rights to creators. In the context of talking about the economic rights of the creator, it is closely related to how to make the creation able to bring economic value to the creator in various ways, depending on the creativity of the creator, in the current era often known as copyright monetization. However, the use of creators' economic rights is also a social space, meaning that the use of works by other parties is not classified as copyright infringement under certain conditions. The word Social Function is historically juridical often found when talking about rights related to land ownership, as stipulated in the Basic Agrarian Law of 1960.³

Based on General Provisions, Article 1 point 1 of Law No. 28 of 2014 concerning Copyright states that Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in tangible form without prejudice to restrictions in accordance with the provisions of laws and regulations. Meanwhile, the provisions of Article 9 state that the creator or copyright holder has the economic right to do:

1. Publishing works;
2. Reproduction of *ciptaan* in all its forms;
3. Translation of works;
4. Adapting, arranging, or transforming the work;
5. Distribution of works;
6. Creation performance;
7. *Cioptaan* announcement;
8. Communication of creation;
9. Rental of creation.⁴

Thus, basically the main right owned by the creator is the exclusive right of the creator or copyright holder to take economic benefits of a work through various means, on the other hand contains the right to prohibit other parties from using his work (for commercial purposes) without the permission of the creator or copyright holder. These two rights are the most basic rights in copyright. However, in some circumstances, the use of the work without the consent of the creator or copyright holder is often not a violation of the exclusive rights of the creator or copyright holder, in situations like this we often call copyright has a social function.⁵

In the copyright law system in Indonesia, copyright restrictions are regulated in the fifth part on copyright restrictions, from Article 43 to Article 51 of Law No.28 of 2014 concerning Copyright. Article 43 states that the material regulated therein is in the form of **substance** that allows the public to use the work without being considered copyright infringement **and the permitted means**.⁶

Article 51 The government may organize the announcement, distribution, or communication of works through television, radio or other means in the national interest without the permission of the creator or copyright holder provided that it is obligated to provide compensation. The broadcaster making the announcement has the right to make documentation of the work provided that further broadcasting by the broadcaster must obtain permission from the copyright holder.⁷

Problem Statement

1. What is the dynamic of the use of works by the community of users of works without the author's permission in Indonesia in relation to the social interests of copyright?
2. To what extent are regulations in the field of copyright able to anticipate and overcome the use of works without the author's permission, especially for commercial purposes?
3. What is the ideal regulation in balancing the interests of creators with the interests of the community of users of works?

Theoretical Framework

1) Legal System Theory

Lawrence M. Friedman⁸ posited 3 functions of the legal system. *First*, as part of a system of social control that regulates human behavior. *Second*, as a means to resolve disputes (*dispute settlement*). *Third*, the legal system has a function *as a social engineering function*, which is a function that emphasizes the role of law as the maintenance of the "*status quo*" that does not want change.⁹

2) Law Enforcement Theory

Satjipto Rahardjo said that law enforcement is a process aimed at maintaining law and order involving human, social, cultural, political, and other interactions.¹⁰ The existence of strict law enforcement and clear boundaries will make the social function of copyright with *fair use* more balanced. Developing a *model of fair use / fair dealing* Copyright on copyrighted works in the development of science and technology by fulfilling easy, affordable and quality accessibility based on aspects of moral rights, economic and social rights, which of course have their respective rights and obligations.

The definition of law enforcement can also be interpreted as the administration of law by law enforcement officers and by everyone who has interests in accordance with their respective authorities according to applicable legal rules. Criminal law enforcement is a unified process beginning with the investigation, arrest, detention, trial of the accused and

ending with the correction of the convict. According to Soerjono Soekanto¹¹, said that law enforcement is an activity to harmonize the relationship of values described in steady rules and attitudes of action as a series of final stage value elaboration. To create, maintain and maintain social peace.¹²

RESEARCH METHODOLOGY

This research will be prepared using a type of normative juridical research, which is research focused on examining the application of rules or norms in positive law.¹³ This type of research is normative legal research, in accordance with Soerjono Soekanto's opinion, that normative¹⁴ legal research is research that includes research on legal principles, research on legal systematics, research on legal synchronization, legal history research, and comparative legal research, in order to answer legal problems or issues to be studied.

Data collection techniques in this study were obtained based on *library research*. The study conducted was a literature study (*library research*) using secondary data. Secondary data in this study was obtained through literature studies, by seeking information as complete and as much as possible with journal literature, newspapers, articles, scientific papers and laws and regulations related to those related to the research theme.¹⁵ The research technique in this dissertation is descriptive analytical, where analysis is carried out critically using various theories of research problems. The data collected in this study will be analyzed descriptively with a *qualitative approach*.¹⁶

RESEARCH RESULTS

Dynamics of the use of works by the community of users of works without the author's permission in Indonesia in relation to the social interests of copyright

The term IPR is a translation of *Intellectual Property Rights* (IPR), as stipulated in Law Number 7 of 1994 concerning the ratification of the WTO (*Agreement Establishing The World Trade Organization*).¹⁷ IPR is classified as intangible movable objects. Objects are defined as symptoms of something that can be used as objects of property rights. As objects, the properties of material rights are also attached to IPR, one of which is transferable to other parties.¹⁸ Understanding *Intellectual Property Right* itself is an understanding of property rights arising from human intellectual abilities, which have a relationship with a person's personal rights, namely human rights. IPR is personal wealth that can be owned and treated the same as other forms of wealth.¹⁹

Intellectual Property Rights (IPR) initially included two major concepts, namely copyright (*copyright*) and patent rights which were regulated separately. The term intellectual in IPR means copyright protects the results of human intelligence, thoughts and expressions or musings incarnated in the form of books, songs or films. While patents cover inventions and technologies, work is deployed to make new items, ranging from tractors to pharmaceuticals to can openers that use electricity. The assumption is, copyright is always pleased with money, because to design, create, reproduce and market a

copyrighted work requires money. Copyright holders certainly expect the money they invested will come back.²⁰

In the Law regarding IPR regulation, it can be said that it is complete and adequate. It is said to be complete, because it reaches the 7 (seven) types of IPR mentioned above. It is said to be adequate, because in relation to national conditions and needs, with some notes the level of regulation has substantively at least met the minimum requirements specified in the main International Agreements in the field of IPR.²¹ IPR is a legal protection provided by certain countries to a person or group of individuals who have expressed their ideas in the form of a work. This law is territorial, meaning that a work will only be protected in the country where it was registered to obtain IPR. The protected works are in the form of intangible objects such as copyrights, patents, and trademarks. While tangible objects in the form of information, technology, literature, art, skills, science, and so on.

Please note, the emergence of protection of a work begins from the moment the work exists or materializes and not because of registration. In other words, a work, whether recorded or unrecorded, is protected. This is in line with the principle of direct protection where protection does not require certain formalities. Therefore, if a person listed in the public register of works is declared a creator because others cannot prove that he or she is the creator, then it is a form of neglect of the principle of *automatic protection*.²²

The principle of *automatic protection* is a basic principle of French copyright which is based on the natural rights of the medieval school of natural law which basically states, that copyright is not a gift by another party but is a right that has been inherent naturally to each individual. This principle adopted the French philosophy and later became a feature of the *civil law tradition* in copyright protection, namely that recognition of the moment copyright arises at the time of completion of the copyright work is made in tangible form, so that it can be seen, heard, or read.²³

Regulations regarding copyright are regulated in Law Number 28 of 2014 Article 1 point 1 which states that copyright is a special right for creators that automatically appears based on the declarative principle after a work and is realized in tangible form without reducing restrictions in accordance with applicable laws and regulations. That copyright as a form of legal protection facilitated by the state in appreciating someone's copyrighted work. Copyright is an intellectual right that can be transferred or transferred by another person. Copyright is a right that can be realized in a valuable form in nominal money.²⁴ Giving appreciation to creators as creative subjects for the results of their creativity is contained in IPR. This appreciation is expressed in the form of the right to the subject to take economic benefits from the creative work produced and recognition of the work produced in the form of moral rights.²⁵ So that the rights given in the form of legal protection guarantees and owners are given privileges in exercising their rights.²⁶

Government policy in the Copyright Law that sets limits in producing a Work that must not conflict with the public interest and applicable norms is contained in Article 50 of the Copyright Law, which states that:

Everyone is prohibited from making Announcements, Distributions, or Communications of Creations that are contrary to religious morals, public order, or the defense and security of the state.

Copyright restrictions and exceptions have justification in consideration of restrictions on the exclusive rights of creators on the basis of human rights by providing freedom of expression, freedom of the press and the right to information. Second, copyright exemptions concern public interest based on public interests that are fulfilled through public libraries, educational institutions, museums and archiving activities etc. So that people can access works without any restrictions. Third, it involves exceptions designed to address market dysfunction in situations where it is impossible for copyright owners to exercise their exclusive rights.²⁷

Copyright infringement is not explicitly defined in Law Number 28 of 2014 concerning Copyright (Copyright Law). However, in the law, it can be concluded that copyright infringement is the use of a copyrighted work or material protected by copyright without permission from the creator or copyright holder. Copyright infringement itself in the wider community is often known as piracy.²⁸

Law Number 28 of 2014 concerning Copyright (hereinafter referred to as the Copyright Law), especially in article 40 Paragraph (1) letter a explains that books are protected works²⁹ Although the Copyright Law provides protection or legal protection for both copyright, creators and copyright holders, but in its implementation it turns out that there are still irregularities in the field of copyright and for those who commit copyright deviations can be prosecuted legally.

The restrictions according to the law are of course intended so that in every use or function of copyright must be in accordance with its purpose. Actually, what is desired in this restriction on copyright is that any person or legal entity does not arbitrarily exercise their rights. Any use of copyright must first be considered whether it does not conflict or does not harm the public interest. This gives the impression that the rights of the individual are actually respected. However, with the restrictions, in fact its use is still based on public interest. Individual rights are respected as long as they do not conflict with the public interest.³⁰

The availability of regulations in the field of copyright that are able to anticipate and overcome the use of works for commercial purposes without the permission of the creator

Indonesia has known the existence of copyright since the Dutch colonial era, the Dutch Colonial Government introduced the first law regarding IPR protection in 1844. Subsequently, the Dutch Government promulgated the Trademark Law (1885), the Patent Act (1910), and the Copyright Act (1912) (*Auteurswet 1912 Staatsblad*). The availability of regulations in the field of copyright began to develop on April 12, 1982, the Government passed Law No.6 of 1982 concerning Copyright as the First Copyright Law and to replace the Copyright Law of the Dutch heritage *Auteurswet 1912 Staatsblad*. Regulations at the legal level to regulate copyright by passing the Copyright Law 1982 were intended to

encourage and protect copyrighted works, dissemination of cultural creations in the fields of works of science, art and literature which at that time began to develop.³¹

A copyrighted work is so highly protected and cared for by the government. In addition to the laws described above, Indonesia also still has regulations related to copyright. The regulation is contained in the Government Regulation of the Republic of Indonesia Number 1 of 1989 concerning Translation and / or Reproduction of Creations for the Benefit of Education, Science, Research and Development; Government Regulation of the Republic of Indonesia Number 7 of 1989 concerning Amendments to Government Regulation Number 14 of 1986 concerning the Copyright Board; Government Regulation of the Republic of Indonesia Number 16 of 2020 concerning Recording of Works and Related Rights Products; and Government Regulation of the Republic of Indonesia Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties.³²

Copyright infringement can also occur when the copyright material is used without permission and there must be similarities between the two existing works. The prosecution must prove that his work was imitated or infringed or plagiarized, or that the other work was derived from his creation. Copyright is also infringed when all or substantial portions of a work that has been protected by copyright have been copied or copied without permission. According to article 74 of the Indonesian Copyright Law, criminal infringement is an infringement that is intentionally committed to reproduce or publish copyright. This violation qualifies as a criminal offense to display, distribute or sell material resulting from copyright infringement.³³

The legal consequences of piracy can lead to disputes over illegal acts, license agreement disputes and sengketa in terms of granting royalties. Regulations regarding criminal acts imposed on parties who make economic losses to creators are regulated in Law Number 28 of 2014 concerning Copyright. There are 8 (eight) articles containing criminal provisions in Law Number 28 of 2014 concerning Copyright, namely Articles 112 to Article 120. The articles on criminal acts in the Copyright Law are formed to safeguard the legal interests of the creator as a result of his inspiration from illegal acts.³⁴ Specifically regulating the violation of economic rights of the creator is regulated in Article 113 which consists of 4 (four) paragraphs. The sound of Article 113 paragraph (4) explains that people who commit violations and fulfill the elements in the article may be subject to imprisonment for ten years and/or a penalty in the form of a maximum fine of IDR 4,000,000,000.00 (four billion rupiah). Not only perpetrators of book piracy will get punishment for their actions, but perpetrators who trade pirated goods will be subject to criminal sanctions. As mentioned in Article 114 which states if there are people knowingly and deliberately own a trading place that sells goods obtained illegally, they will get a fine of IDR 100,000,000.00 (one hundred million rupiah).

Not only regulated in Law Number 28 of 2014 concerning Copyright which prohibits the sale of pirated books, in PP Number 80 of 2019 concerning Trade Through Electronic Systems in Article 22 paragraph (1) and paragraph (2) regulates the prohibition of trading illegal goods, the sound of the article briefly states that if trading through electronic

systems has illegal things, the electronic trade provider will get sanctions. The sanction can be eliminated if after knowing there are illegal things in the trade, the provider immediately takes action on it, it can be avoided from sanctions.³⁵

Ideal regulation in balancing the interests of creators with the interests of the community of users of works

Fair use is a reasonable restriction on the use of a copyrighted work without the author's permission, such as quoting from a book in a book review or using part of the book for parody purposes. *Fair use* is also defined as the principle of copyright based on the belief that the public has the right to freely use portions of copyrighted material for the purposes of comment and criticism. Based on this definition, *fair use* is a doctrine or principle that allows others to use a particular copyrighted creation for a specific purpose or purpose. According to Joseph Turow, *fair use* is a provision where a person or a company can use a small portion of copyrighted works without having permission from the creator of the work. Furthermore, Prof. Eddy Damian argues that with the existence of fair use legal arrangements, copyright law allows someone in this case a third party to use or exploit the work without the need for permission from the creator, as long as it is within the permissible limits.³⁴

The owner's right to a copyrighted work does not necessarily make a person a monopoly and self-enrichment of the economic rights he has obtained to balance the owner's rights with the interests of society, so the UUHC allows the use of certain works without the author's permission. Regulations regarding the doctrine of fair use in Indonesia are contained in part IV of Copyright Restrictions Article 43 to Article 51 of Copyright Law Number 28 of 2014.

Under Article 44, using a particular creation is not considered a copyright infringement as long as the source of the work is clearly stated and it is only used for limited non-profit or commercial purposes, including social activities, such as education and knowledge, research and development. Article 44 states that:

1. The use, retrieval, duplication, and/or alteration of a copy and/or Related Rights product in whole or in substantial part is not considered a Copyright infringement if the source is mentioned or included in full for the purposes of:
 - a. Education, research, writing scientific papers, preparing reports, writing criticisms or reviews of a problem without harming the reasonable interests of the Creator or Copyright Holder;
 - b. Security and administration of government, legislature, and judiciary;
 - c. Lectures that are for educational and scientific purposes only; or
 - d. An unpaid performance or performance provided that it does not prejudice the reasonable interests of the Creator.

2. Facilitation of access to a Work for persons who are blind, visually impaired or limited in reading, and/or users of braille, audiobooks, or other means, is not considered copyright infringement if the source is mentioned or included in full, unless it is commercial in nature.
3. In the case of a Work in the form of an architectural work, alteration as referred to in paragraph (1) is not considered a Copyright infringement if it is carried out based on technical implementation considerations.

The application of *the* principle of fair use in Indonesia only applies to works that have copyright protection because the principle of fair use is a doctrine that allows the use of a work protected by copyright without permission or copyright holder. Thus, there are several creations in Indonesian copyright law that cannot apply the principle of fair use, namely:

1. Works based on Article 13 of the Copyright Law, namely the results of open meetings of State institutions, laws and regulations, State Speeches or speeches of government officials, court decisions or judges' decisions, decisions of arbitration bodies or other similar bodies.
2. A creation that has expired its protection.
3. Works that do not meet the elements in Article 1 point 2 and Article 1 point 3 of the Copyright Law.

The creator has exclusive rights, namely the right to prohibit other parties from using or utilizing the work without his permission (license), so the general provisions of copyright law explain that parties who use or use the work of others must seek prior approval from the creator or copyright holder, but there are exceptions, namely for the benefit of developing science, education that is not commercial. Practically, if a lecturer or researcher who uses reference sources or readings of other parties must first ask permission from the creator or copyright holder, it will make it difficult and hinder the completion of his paper. Therefore, the law, in this case Law Number 28 of 2014 concerning Copyright (hereinafter referred to as UUHC) provides solutions through "fair use" or "fair dealing," namely actions that can be done by other parties (lecturers) or researchers to use, cite and the like the work of the creator or copyright holder with certain conditions without being categorized as a violation of law (Copyright),³⁷ but on reasonable and/or fair terms.³⁸ The aspect of loss in copyright infringement that forms the basis of liberal-individualistic theory is based on natural law theory and risk *theory*.³⁹

CONCLUSION

The results showed that;

- a. The term IPR is a translation of *Intellectual Property Rights* (IPR), as stipulated in Law Number 7 of 1994 concerning the ratification of the WTO (*Agreement Establishing the World Trade Organization*). IPR is classified as intangible movable objects. Objects are defined as symptoms of something that can be used as objects of property rights.

- b. A copyrighted work is so highly protected and cared for by the government. In addition to the laws described above, Indonesia also still has regulations related to copyright. The regulation is contained in the Government Regulation of the Republic of Indonesia Number 1 of 1989 concerning Translation and / or Reproduction of Creations for the Benefit of Education, Science, Research and Development; Government Regulation of the Republic of Indonesia Number 7 of 1989 concerning Amendments to Government Regulation Number 14 of 1986 concerning the Copyright Board; Government Regulation of the Republic of Indonesia Number 16 of 2020 concerning Recording of Works and Related Rights Products; and Government Regulation of the Republic of Indonesia Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties.
- c. The creator has exclusive rights, namely the right to prohibit other parties from using or utilizing the work without his permission (license), so the general provisions of copyright law explain that parties who use or use the work of others must seek prior approval from the creator or copyright holder, but there are exceptions, namely for the benefit of developing science, education that is not commercial.

Footnote

- 1) L.B. Curzon, Jurisprudence, M&E Handbooks, 1979, p. 94
- 2) Paul Goldstein., Copyright, Principles, Law and Practice, Little, Brown and Company, Boston Toronto London, P 16
- 3) Lawrence M. Friedman, American Law, W.W. Norton & Company, New York, 1984, p. 5-6 in Teguh Prasetyo and Abdul Halim Barkatullah, Philosophy, Theory and Law: Thoughts Towards a Just and Dignified Society, Raja Grafindo Persada, Jakarta, 2012, pp. 311-312.
- 4) Anis Mashdurohatusun & M. Ali Mansyur, "Model of Fair Use/Fair Dealing Copyright on Books in the Development of Science and Technology in Higher Education", Journal of Law Ius Quia Iustum, Vol. 24 No. 1, 2017, p. 37
- 5) Satjipto Rahardjo, Law Enforcement: A Sociological Review, Genta Publishing, Yogyakarta, 2009, p. 11.
- 6) Soerjono. Soekanto, Factors Influencing Law Enforcement (Jakarta: PT. RajaGrafindo Persada, 2013), p. 32.
- 7) Mashuril Anwar and Maya Shafira, "Harmonization of Lampung Coastal Environmental Management Policy in a Community-Based Management Regime," Indonesian Journal of Environmental Law 6, no. 2 (2020): 266–87, <https://doi.org/10.38011/jhli.v6i2.156>
- 8) Johnny Ibrahim, 2006, Theory and Methodology of Normative Legal Research, Malang: Bayumedia Publishing, p. 12, p.293
- 9) Soerjono Soekanto and Sri Mamudji, Normative Legal Research, A Brief Review, Jakarta : Raja Grafindo Persada, 2011.
- 10) Sugiyono, "Quantitative, Qualitative and R&D Research Methods," 26th (Bandung: Cv. Alfabeta, 2018), p. 34
- 11) Tim Lindsey, Intellectual Property Rights An Introduction. Bandung: PT. Alumni, 2002. p 3.
- 12) Hadi Setia Tunggal, Intellectual Property Rights Law Q&A. Jakarta: Harvarindo, 2012, p. 6.

- 13) Eddy Damain, Intellectual Property Rights of a Holder,. Bandung: PT. Alumni, 2002, p 120.
- 14) Adrian Sutedi. Intellectual Property Rights, First Printing. Jakarta: Sinar Grafika, 2009, p. 29
- 15) Muhammad Firmansyah, How to Manage HaKI. Jakarta: Visimedia, 2008, p 6
- 16) Rachmadi Usman, Intellectual Property Rights Law: Protection and Legal Dimensions in Indonesia. Bandung: Alumni, 2003, p 136
- 17) Muhammad Ikhsan Lubis. "Copyleft in the perspective of Islamic law and its relation to the development of copyright in Indonesian Islamic society. Thesis at Master of Law, University of North Sumatra. 2011. pp. 48-50.
- 18) Maris, Masri, Asian Copyright Handbook, Jakarta: IKAPI, 2006, p. 12.
- 19) Oentoeng Soeropa, Intellectual Property Law and Technology Transfer, Salatiga: UKSW, 1999, p.10.
- 20) Theo Huijbers, Philosophy of Law, Yogyakarta: Kanisius, 1995, pp. 95-96
- 21) Anne Lepage, "Overview Of Exceptions And Limitations To Copyright In The Digital Environment", UNESCO e-Copyright Bulletin, 2003, pp. 234-236
- 22) Turkamun, "Legal Protection in Infringement of Cipta Software Rights in terms of Law Number 28 of 2014 concerning Copyright", Journal of the Secretary, Vol.4 No.2, 2017, p. 9
- 23) Eddy Damian. Copyright Law. Bandung: PT. Alumni, 2005, p 137
- 24) Rachmadi Usman.. Intellectual Property Rights Law, Protection and Legal Dimensions in Indonesia. Bandung: PT Alumni, 2003, p. 87.
- 25) Yustisia vision team, Official Copyright Guide, Jakarta: Visimedia, 2015, p. 191
- 26) Endang Purwaningsih, Development of Intellectual Property Rights Law, Bogor: Galia Indonesia, 2005, p. 6
- 27) Chazawi, A., & Ferdian, A, Press Crime of Attacking Protected Legal Interests by Publishing Writings, Bandung: Mandar Maju. 2015, p. 22.
- 28) Mahendra Adhi Nugroho, "Concept Theory and Case Review of Business Ethics of Pt Dirgantara Indonesia (1960 -2007)", Journal of Economia, Vol. 8 No.1, 2012, pp 25-26
- 29) Margaritha Rami Ndoen & Hesti Monika, "The Principle Of Fair Use Of Song Cover Versions In The Perspective Of Copyright Protection", Paul Indonesian Christian University
- 30) Anis Mashdurohatun and M. Ali Mansyur, "Identification of Fair Use/Fair Dealing Copyright on Books in the Development of Science and Technology in Higher Education in Central Java", Journal of Law Yustisia, 93 September December 2015 Edition, p. 16
- 31) Ahmad Sudiro, "The Concept of Justice and Civil Responsibility System in Air Law, Journal of Law Ius Quia Iustum No. 3 Vol. 19 July 2012, p. 440
- 32) Ari Wibowo, "Justification of Criminal Law for Copyright Infringement Criminalization Policy, as well as the Formulation of Juridical Qualifications and Types of Delicts", Ius Quia Iustum Law Journal No. 1 Vol. 22 January 2015, p. 73.

Bibliography

- 1) Adrian Sutedi. *Intellectual Property Rights*, First Printing. Jakarta: Sinar Grafika, 2009,
- 2) Ahmad Sudiro, "The Concept of Justice and Civil Responsibility System in Air Law, Journal of Law Ius Quia Iustum No. 3 Vol. 19 July 2012,
- 3) Anis Mashdurohaturun & M. Ali Mansyur, "Model of Fair Use / Fair Dealing Copyright on Books in the Development of Science and Technology in Higher Education", *Journal of Law Ius Quia Iustum*, Vol. 24 No. 1, 2017
- 4) Anis Mashdurohaturun and M. Ali Mansyur, "Identification of Fair Use / Fair Dealing Copyright on Books in the Development of Science and Technology in Higher Education in Central Java", *Journal of Law Yustisia*, 93 September December 2015 Edition
- 5) Anne Lepage, "Overview of Exceptions and Limitations To Copyright In The Digital Environment", *UNESCO e-Copyright Bulletin*, 2003
- 6) Ari Wibowo, "Justification of Criminal Law for Copyright Infringement Criminalization Policy, as well as the Formulation of Juridical Qualifications and Types of Delicts", *Ius Quia Iustum Law Journal* No. 1 Vol. 22 January 2015.
- 7) Attoeney Lloyd J. Jassin, *Fair Use in a Nutshell: A Roadmap to Copyright's Most Important Exception*, was adopted from the title "*Copyright Permission & Libel Handbook* (John Wiley & Sons), by Lloyd J. Jassin and Steven C. Schechter. <http://www.copylaw.Com>
- 8) Bernard Nainggolan. *Copyright Law Empowerment and CollectSf Management Institute: First Print* (PT. Alumni, Bandung) p1 91
- 9) Betsy Rosenblatt, *Moral Rihts Basics*, Harvard Law Shool, *last Modified March* 1998, p 1
- 10) Chazawi, A., & Ferdian, A, *Press Crime of Attacking Protected Legal Interests by Publishing Writings*, Bandung: Mandar Maju. 2015,
- 11) DJKI, DJIK History, <https://dgip.go.id/tentang-djki/sejarah-djki> accessed on Friday, July 1, 2022, at 13.33 WIB
- 12) Eddy Damain, *Intellectual Property Rights of a Holder*,. Bandung: PT. Alumni, 2002,
- 13) Eddy Damian. *Copyright Law*. Bandung: PT. Alumni, 2005achmadi Usman.. *Intellectual Property Rights Law, Protection and Legal Dimensions in Indonesia*. Bandung: PT Alumni, 2003
- 14) Endang Purwaningsih, *Development of Intellectual Property Rights Law*, Bogor: Galia Indonesia, 2005
- 15) Thunders Tio Ibiurwo, SH,. *Copyright Protection: Pusdiklat.Kemenprin.go.id*
- 16) Hadi Setia Tunggal, *Intellectual Property Rights Law Q&A*. Jakarta: Harvarindo, 2012
- 17) Johnny Ibrahim, 2006, *Theory and Methodology of Normative Legal Research*, Malang: Bayumedia Publishing
- 18) L.B. Curzon, *Jurisprudence*, M&E Handbooks, 1979
- 19) Lawrence M. Friedman, *American Law*, W.W. Norton & Company, New York, 1984, p. 5-6 in Teguh Prasetyo and Abdul Halim Barkatullah, *Philosophy, Theory and Law: Thoughts Towards a Just and Dignified Society*, Raja Grafindo Persada, Jakarta, 2012.
- 20) Mahendra Adhi Nugroho, "Concept Theory and Case Review of Business Ethics of Pt Dirgantara Indonesia (1960 -2007)", *Journal of Economia*, Vol. 8 No.1, 2012,
- 21) Margaritha Rami Ndoen & Hesti Monika, "The Principle Of Fair Use Of Song Cover Versions In The Perspective Of Copyright Protection", Paul Indonesian Christian University

- 22) Maris, Masri, *Asian Copyright Handbook*, Jakarta: IKAPI, 2006
- 23) Mashuril Anwar and Maya Shafira, "Harmonization of Lampung Coastal Environmental Management Policy in a Community-Based Management Regime," *Indonesian Journal of Environmental Law* 6, no. 2 (2020): 266–87, <https://doi.org/10.38011/jhli.v6i2>.
- 24) Muhammad Firmansyah, *How to Manage HaKI*. Jakarta: Visimedia, 2008
- 25) Muhammad Ikhsan Lubis. "Copyleft in the perspective of Islamic law and its relation to the development of *copyright* in Indonesian Islamic society. Thesis at Master of Law, University of North Sumatra. 2011.
- 26) Oentoeng Soeropa, *Intellectual Property Law and Technology Transfer*, Salatiga: UKSW, 1999
- 27) Paul Goldstein., **Copyright, Principles, Law and Practice, Little**, Brown and Company, Boston Toronto London
- 28) Rachmadi Usman, *Intellectual Property Rights Law: Protection and Legal Dimensions in Indonesia*. Bandung: Alumni, 2003
- 29) Satjipto Rahardjo, *Law Enforcement: A Sociological Review*, Genta Publishing, Yogyakarta, 2009
- 30) Soerjono Soekanto and Sri Mamudji, *Normative Legal Research, A Brief Review*, Jakarta: Raja Grafindo Persada, 2011.
- 31) Soerjono Soekanto, *Introduction to Legal Research*, Jakarta: University of Indonesia Press, 1983, p.51.
- 32) Soerjono. Soekanto, *Factors Influencing Law Enforcement* (Jakarta: PT. RajaGrafindo Persada, 2013)
- 33) Sugiyono, "Quantitative, Qualitative and R&D Research Methods," 26th (Bandung: Cv. Alfabeta, 2018)
- 34) Theo Huijbers, *Philosophy of Law*, Yogyakarta: Kanisius, 1995
- 35) Tim Lindsey, *Intellectual Property Rights An Introduction*. Bandung: PT. Alumni, 2002.
- 36) Yustisia vision team, *Official Copyright Guide*, Jakarta: Visimedia, 2015
- 37) Turkamun, "Legal Protection in Infringement of Clpta Software Rights in terms of Law Number 28 of 2014 concerning Copyright", *Journal of the Secretary*, Vol.4 No.2, 2017