



PROTECTION LAW TO OWNER RIGHT TOP CREATION SONGS ARRANGED BY OTHER PARTIES AND RE-UPLOADED ON YOUTUBE WITHOUT THE PERMISSION OF THE COPYRIGHT OWNER

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Abstract

The legal protection of copyright plays an important role in safeguarding intellectual works, including songs that are arranged and re-uploaded on digital platforms such as YouTube without authorization. This research aims to analyze the forms of legal protection available to copyright owners and the legal steps that can be taken to prosecute infringers. The research uses a normative legal method with a normative juridical approach that focuses on analyzing regulations, legal literature, and related documents. The results show that Law No. 28 of 2014 on Copyright provides moral and economic protection automatically since the work is realized in real form. The morals rights and economic rights of the creator are protected automatically since the work is realized in tangible form. Infringement reporting mechanisms such as copyright takedown on YouTube provide a quick solution for creators, while civil and criminal legal actions can provide a deterrent effect to violators. The importance of collaboration between creators, the government, and the Collective Management Institution (LMK) in managing royalties and copyright protection is also highlighted. This research are expected to encourage wider legal awareness and create a sustainable creative ecosystem.

Keywords

copyright, legal protection, song arrangement, copyright infringement

Introduction

Copyright in the arts, including songs, plays a significant role not only as a means of entertainment but also as an economic, social, and political element. Songs have become a crucial part of the creative industry with significant potential for monetization through various platforms, such as sales, licensing, and digital streaming. According to Law Number 28 of 2014 concerning Copyright, copyright provides exclusive protection to creators to reproduce, publish, or grant permission for the use of their works.

Copyright encompasses economic rights, which allow the creator to gain financial benefits, and moral rights, which protect the creator's reputation and the integrity of the work from unauthorized alteration. Moral rights are perpetual and non-transferable, while economic rights provide opportunities for commercial exploitation of the work. However, in the digital age, copyright infringement has become a serious challenge. One example is the case of Rendy Da Silva with the song "SALTING," released on 25 June 2021. This song was re-uploaded without permission after Rendy's YouTube channel was hacked, and was even rearranged by other parties such as DJs. Mbon Mbon, who then made the song viral on YouTube and TikTok, caused Rendy significant financial and moral harm.¹

Other cases is lawsuit Nagaswara towards Gene Lightning related use The song "Lagi Syantik" was used without permission. Although the lawsuit was dismissed, this case underscores the importance of respecting copyright and demonstrates that infringement still occurs, even if perpetrators sometimes argue that the content was created for entertainment or not monetized. To protect copyright, registration of the work, although not mandatory, is an important step in strengthening ownership claims. When infringement occurs, the creator can submit complaint to digital platforms, like YouTube, which will usually follow up by removing illegal content and issuing a warning to the perpetrator. Legal steps Criminal or civil proceedings can also be taken to protect works from piracy and unauthorized use. Copyright protection only applies to works that are original, completed, and constitute a tangible form of expression. so that ideas Which Not yet realized No including

¹ Muhamad, R., & Aritonang, P. P. (2022). INDIKATOR PLAGIARISME KARYA MUSIK DALAM DOKTRIN ORISINALITAS: BAGAIMANA PLAGIARISME DI TENTUKAN? *Kertha Semaya Journal Ilmu Hukum*, 10(4), 922. <https://doi.org/10.24843/ks.2022.v10.i04.p16>

in Protection. Technological developments have a positive impact in the form of ease of distribution and promotion of works, but also open up opportunities for piracy. Many parties take advantage of this technology to re-upload works without permission for personal gain, harming creators financially and reputationally.²

Therefore, it is crucial for creators to understand and utilize existing legal protection mechanisms. Awareness of the importance of respecting copyright must be continuously raised to create a healthy and sustainable creative ecosystem. With strong legal protection, artistic works can provide maximum benefits to creators and the wider community.

This study aims to analyze and describe the form of legal protection for copyright owners of songs arranged by other parties and uploaded, republished on YouTube without permission. Furthermore, this study aims to analyze the legal remedies copyright owners can take if they suffer losses due to such violations.

Benefit study This divided become two, that is benefit theoretical And practical. In a way Theoretically, the research results are expected to broaden insight and knowledge regarding legal protection for copyright owners and serve as a reference for other researchers studying similar topics. Practically, this research is beneficial for researchers and authors in deepening their understanding and experience in civil law, particularly regarding copyright protection. Furthermore, for the public, this research aims to provide a broader understanding of legal protection for copyright owners of songs arranged without permission.

Method

This research is a normative or doctrinal legal study that focuses on written studies using secondary data, such as legislation, court decisions, legal theories, and scientific works.³ In compiling this thesis, a normative legal approach is used to examine the problem based on rules and norms. formal law, including laws and theoretical literature, which is associated with key issues. This study analyzes relevant regulations, such as the Copyright Act, YouTube regulations, and related policies, to evaluate the extent to which legal protection complies with existing regulations and to identify legal gaps that need to be addressed.

² Pakpahan, Y. P., & Haryanto, I. (2021). PERLINDUNGAN HUKUM TERHADAP PEMILIK MEREK TIDAK TERDAFTAR DITINJAU DARI PRINSIP "USE IN COMMERCE." *Dialogia Iuridica*, 12(2), 22–35. <https://doi.org/10.28932/di.v12i2.3337>

³ Nurhayati, Y., Ifrani, I., & Said, M. Y. (2021). METODOLOGI NORMATIF DAN EMPIRIS DALAM PERSPEKTIF ILMU HUKUM. *Jurnal Penegakan Hukum Indonesia*, 2(1), 1–20. <https://doi.org/10.51749/jphi.v2i1.14>

The problem approach in this research uses a normative juridical method which aims to analyze and resolve legal problems based on applicable norms, both those written in laws and regulations and those derived from doctrine and jurisprudence. This method is used to address legal issues, such as copyright infringement, by focusing on A study of existing legal regulations, particularly those related to the Copyright Law. In this study, data collection was conducted through a literature review involving three types of legal materials. First, primary legal materials in the form of related laws and regulations, such as Law Number 28 of 2014 concerning Copyright, Law Number 2014 concerning Copyright, and Law Number 2014 concerning Copyright. Law No. 30 of 1999 concerning Arbitration and Dispute Resolution, Government Regulation No. 56 of 2021 concerning Management of Song and/or Music Copyright Royalties, and Regulation of the Minister of Law and Human Rights No. 20 of 2021 as implementing regulations. Second, secondary legal materials that provide further explanation, such as books, journals, and articles. Third, tertiary legal materials as supporting references, such as legal dictionaries or encyclopedias. The analysis of legal materials is conducted descriptively by outlining and reviewing the obtained legal materials, then connecting them with applicable theories and regulations to resolve the issues raised.

Results And Discussion

Law Number 28 of 2014 concerning Copyright stipulates that copyright is an exclusive right that applies automatically when someone creates a work in the field of art, literature, music, or science, which is published in a tangible form. The work must meet several requirements to obtain copyright protection, such as originality, not violating other legal provisions, and being realized in a form that can be understood or documented (for example, in the form of a song, writing, or recording).⁴ Protection This copyright applies indefinitely automatic such a work published,⁵ including through social media, without requiring registration. This law also regulates the moral rights and economic rights of creators. Moral rights include recognition of the creator as the original owner of the work, as well as protection against changes that

⁴ Kariodimedjo, D. W. (2012). Perlindungan Hak Cipta, Hak Terkait, dan Desain Industri. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 22(2), 265. <https://doi.org/10.22146/jmh.16222>

⁵ Mashdurohatur, A., & Mansyur, M. A. (2015). IDENTIFIKASI FAIR USE/FAIR DEALING HAK CIPTA ATAS BUKU DALAM PENGEMBANGAN IPTEK PADA PENDIDIKAN TINGGI DI JAWA TENGAH. *Yustisia Jurnal Hukum*, 4(3). <https://doi.org/10.20961/yustisia.v4i3.8682>

could damage the work. reputation or meaning original work the, such as rearrangements that do not conform to the original creation.

Meanwhile, economic rights give creators or copyright holders the right to obtain financial benefits from their work, such as royalties on commercial use of the work. The creator or copyright holder has the exclusive right to reproduce, distribute, and adapt their work.⁶ Any individual who wishes to use the work for commercial purposes must first obtain permission from the creator or copyright holder. Without such permission, use of the work for objective commercial can considered as violation Copyright infringement is subject to legal sanctions, both civil and criminal. Criminal sanctions include fines or imprisonment, while civil sanctions include lawsuits for damages for losses incurred.

The National Collective Management Institute (LMKN) was established to manage royalties in the music sector, ensuring that copyrights are properly protected and that royalties received by creators or copyright holders are fairly distributed. LMKN also assists creators in managing licenses for the use of their works to third parties and facilitates royalty collection.⁷ To carry out this function, LMKN requires official authorization from creators to act on their behalf in licensing and collection matters. royalty. In order for LMKN to function legally, power the minimum is granted by 200 creators, in accordance with the provisions of the Copyright Law. Copyright protection is very important, especially in the digital era, where works are easily accessed and distributed without permission. This law provides legal guarantees for creators to protect their works from misuse and to obtain legal royalties.

For example, if a copyrighted work is reuploaded without permission on a platform like YouTube, the creator has the right to demand its removal through the platform's copyright takedown feature. Furthermore, copyright infringement can be subject to criminal penalties, including fines of up to IDR 500 million or imprisonment of up to 4 years. year. Related to copyright infringement cases, one example is the case of infringement of the song "SALTING" created by Rendy Da Silva. This song was uploaded by Rendy on his YouTube channel, but was later hacked by an unauthorized party, who rearranged the song and re-uploaded it without permission. This case shows how

⁶ Sinaga, E. J. (2020). Pengelolaan Royalti atas Pengumuman Karya Cipta Lagu dan/atau Musik. *Jurnal Ilmiah Kebijakan Hukum*, 14(3), 553–578. <https://doi.org/10.30641/kebijakan.2020.v14.553-578>

⁷ Manek, A. R. G., & Lambok, B. D. (2019). IMPLEMENTASI HAK EKONOMI PENCIPTA LAGU OLEH WAHANA MUSIK INDONESIA (WAMI). *Hukum Responsif*, 10(1). <https://doi.org/10.33603/responsif.v10i1.5053>

important copyright protection is in the digital world, where works can be easily distributed and misused by others. Another case is the dispute between Nagaswara and Gen Halilintar regarding copyright infringement of the song "Lagi Syantik", where the change in lyrics and distribution of the song without permission led to a lawsuit and the rejection of the cassation application.

Copyright protection also involves transparent and fair management by institutions such as LMKN, which is responsible for administering royalties and ensuring creators receive appropriate compensation. The Copyright Law provides a strong legal basis for creators and copyright holders to sue. their rights to works used without permission, whether for commercial or personal purposes.

Discussion regarding legal measures that can be taken by copyright owners if they experience losses after their songs are arranged by other parties and re-uploaded on the platform. like YouTube without permission is very relevant in the context copyright protection In today's digital age, given the ease of access and distribution of works via the internet, copyright infringement cases are becoming increasingly common. In this case, copyright owners have the right to protect their work from unauthorized use that could be detrimental both financially and reputationally.⁸ Therefore, it is important to know the various legal steps that can be taken to claim rights and obtain compensation for losses suffered as a result of these actions.

Copyright aims to protect the creator's rights over their work, such as in distributing, selling, or creating derivative works from their work. With copyright, creators have exclusive rights that encompass two main aspects: moral rights and economic rights. Moral rights refer to the creator's right to be respected for their work, while economic rights provide the right to profit from the use of their work. Therefore, copyright protection is crucial to respect and safeguard the interests of songwriters, who often experience copyright infringement, such as re-uploading works without the copyright owner's permission.

In Indonesia, protection right creation This has been regulated in Law Number 28 of 2014 concerning Copyright. The articles in this law regulate the rights held by creators, including the exclusive rights held by each creator or copyright holder. creation, and right morals that remain attached on creator although right economy These rights can be transferred or licensed to other parties. One common form of copyright

⁸ Simatupang, K. M. (2021). Tinjauan Yuridis Perlindungan Hak Cipta dalam Ranah Digital. *Jurnal Ilmiah Kebijakan Hukum*, 15(1), 67–80.
<https://doi.org/10.30641/kebijakan.2021.v15.67-80>

infringement is uploading songs or music without the copyright owner's permission, which can harm the creator economically and morally.

Although copyright registration is not mandatory to obtain legal protection, it plays an important role as an official document that can prove ownership of the work.⁹ Copyright automatically applies from the time the work is created, but recording or registration is still regulated by law to facilitate proof of ownership, especially in legal disputes. If the creator feels harmed by copyright infringement that causes economic losses, they have the right to obtain compensation.

Compensation claims can be filed with the Commercial Court, in accordance with the provisions set out in Article 96 paragraph (1) and Article 100 of the Copyright Law. These compensations include material losses, such as lost income or costs incurred, as well as immaterial losses, such as damage to reputation or moral rights to the work. The government, through law, also regulates protection for creators, including the obligation to register their works with the Collective Management Institution (LMK), to ensure that their creations are legally protected and can earn royalties from the distribution of the work. Membership in LMK is important because can become proof it is valid that the work owned by creator, and assist in the distribution and royalty collection process. Without membership in LMK, creators will have difficulty proving ownership of their work, especially if others claim the work as their own. In today's digital age, where it is very easy for someone For upload or arrange repeat song person other, creator Which Those who are not registered with the LMK can lose their economic rights to their work. Copyright disputes can be resolved through several legal channels, including:¹⁰

Litigation: Creators can file a lawsuit with the Commercial Court to seek compensation for copyright infringement. This process requires the case to be resolved within a specified timeframe, with the resulting decision being binding and enforceable.

Arbitration is a dispute resolution process outside the court through a third party who will help formulate and resolve the problem in a peaceful manner. Fast and fair. The advantages of arbitration are a more efficient process, with a final and binding decision, no appeal or cassation process, and confidentiality.¹¹

⁹ Ramli, A. M., Permata, R. R., Mayana, R. F., Ramli, T. S., & Lestari, M. A. (2021). Pelindungan Kekayaan Intelektual dalam Pemanfaatan Teknologi Informasi di Saat Covid-19. *Jurnal Penelitian Hukum De Jure*, 21(1), 45–58. <https://doi.org/10.30641/dejure.2021.v21.45-58>

¹⁰ Disemadi, H. S., & Kang, C. (2021). Tantangan Penegakan Hukum Hak Kekayaan Intelektual dalam Pengembangan Ekonomi Kreatif di Era Revolusi Industri 4.0. *Jurnal Komunikasi Hukum (JKH)*, 7(1), 54. <https://doi.org/10.23887/jkh.v7i1.31457>

¹¹ Udpa, M. N. (2022). Online dispute resolution. *Sawerigading Law Journal*, 1(1), 27–39. <https://doi.org/10.62084/slj.v1i1.126>

Mediation is a dispute resolution process facilitated by the Directorate General of Intellectual Property (DJKI) to seek a peaceful solution through dialogue between the disputing parties. Mediation has profit Because the process faster, cost lower, And the results can satisfy both parties. A real example of a copyright dispute occurred between Nagaswara and Gen Halilintar, where Gen Halilintar uploaded a cover video of the song "Lagi Syantik" without permission from the copyright owner, Nagaswara.

After filing a lawsuit, Nagaswara lost in court, but then filed for cassation and judicial review, which highlights the importance of understanding the proper legal pathways to resolve copyright disputes. Copyright disputes can also involve unlawful acts or licensing agreements, as happened in the case of Rendy Da Silva with the song "SALTING". The song was changed and uploaded by another party without permission, which is detrimental to the creator. Rendy can take legal action through mediation, arbitration, or the Commercial Court to obtain his rights.

Overall, it is important for creators and copyright holders to understand the various legal mechanisms available to deal with copyright infringement. By utilizing existing legal procedures, creators can protect their work and obtain the economic rights they should receive from the results of their creation.

Conclusion

In conclusion, copyright plays a crucial role in protecting artistic works, including songs, by granting creators exclusive rights to manage and profit from their creations. Law No. 28 of 2014 concerning Copyright provides protection in the form of both moral rights, which recognize creators as the original owners of the work, and economic rights, which allow creators to earn royalties or financial benefits from their work. However, with the development of digital technology, copyright infringement, such as unauthorized re-uploading of works on platforms like YouTube, is becoming increasingly common. Therefore, it is important for creators to understand the available legal protection mechanisms, such as filing lawsuits in the Commercial Court or using mediation and arbitration. The National Collective Management Institute (LMKN) also plays a role in ensuring that royalties are obtained fairly and that creators' copyrights are protected. Although copyright registration is not mandatory, it is still recommended to facilitate proving ownership of works in legal disputes. By understanding their rights and legal protection procedures, creators can protect their works from infringements that are detrimental both economically and reputationally.

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