

Protection of the Music Copyright Law Against the Customer by The Musician

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Abstract: Copyright is given as a recognition that the creation belongs to the creator, hence called the right of wealth. The copyrighted work in digital form is easy to duplicate and the result of the deed is also almost indistinguishable from the original. Pursuant to article 1 paragraph (1) of Law No. 8 of 2014 on copyright, "Copyright is the exclusive right of the creators arising automatically based on declaratory principles after a creation is embodied in real form without prejudice to the restrictions accordance with the provisions of statutory regulations. The results of this research show that the legal protection provided by the city of Banda copyright music based on the Aceh cultural Qanun, the form of application of protection provided to accommodate, and foster the copyright of artists and Improve public art appreciation. Factors that cause copyright infringement of the musii, including lack of references, lack of musician idealism. Lack of the ethics of fellow musicians and the sense of responsibility, weakness of fighting power and disciplined musicians, and weak law enforcement and strict sanction. Hopefully, the contribution of Aceh government in the art world in Aceh, especially in the city of Banda Aceh in doing an action whose nature protects the actors related to the work of his creations.

Keywords: Protection of law, Copyright, Infringement.

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I. INTRODUCTION

Creation is a creation that is always achieved through hard-earned, struggles and sacrifices that are not very few of the creators who are beneficial and benefit the community as a whole, because it is proper when the community gives to the creators. The rewards given are awards and acknowledgements that the creator of the work belongs to a personal creator, and the country gives the so-called copyright.

Copyright is one type of intellectual property rights. Definition of copyright pursuant to article 1 paragraph (1) of Law No. 8 of 2014 on copyright, "Copyright is the exclusive right of the creators arising automatically based on declaratory principles after a creation is embodied in a tangible form without Restrictions in accordance with the provisions of statutory regulations.

Protection of copyrights in Indonesia has been specifically stipulated in Law No. 28 of 2014 on copyright. With the copyright regulation it proves that Indonesia belongs to countries that support the existence of legal certainty and protection of the exclusive rights so as not to be abused for the benefit of one. As mentioned in article 9 paragraph (3) of Law No. 28 of 2014 on copyright governing the requirement to conduct a commercially intended broadcast of the copyright holder's copyrighted work that reads "Any person without the permission of the creator or copyright holder is prohibited from committing reproduction and/or commercial use of the creation.

The rules on copyright have evolved and are popular because many people have created various works, including songs, art, literature, science, and so on, so that the copyright regulations are needed. Especially in this modern world, technology has grown rapidly especially the Internet, everyone can access everything more easily through the internet ranging from writing, music, to images. However, in conducting such a search, people often forget to include the source of the writings or images they include and it is an act of plagiarism. While this is not a big problem, it does violate copyright.

Copyright is given as a recognition that the creation belongs to the creator, hence called the right of wealth. The intellectual property rights of the creator are the result of their intellect or intellectual, therefore the right to such wealth is called intellectual property rights (Soedjono, 2005: 105).

Music is one of the developers of creativity that is easier to get into the joints – the community joints from various circles of economic status and age. Concerts and other types of performances have been a quick way for musicians to increase their earnings. This gives it an added value. "In music, an emotional bond

awakens with people on stage who want something beautiful or enchanting from the musical instruments as well as the sound of the musician, both pop and other music genres (Schijndel, 2012 :117).

So, it can be said that the song is the art of composing sound or sound. Music can not be limited with the art of composing a beautiful sound or sounds alone. Sound or discordant (dissonance) has long been used, and many modern composers have experimented with sound or sound. From this sense it is obvious that the music has a very complex element, namely melody, harmony, rhythm, and timbre regardless, and words (lyric) notation. That is, in the creation of a song, followed by the rhythm of the tone and the aransmen that make up a song produced by some of the elements that have been explained above (Permata, 2010: 77).

Music entered in the realm of the HKI is protected under article 58 letter (d) of Law No. 28 of 2014 on Copyright (UUHC), which is copyright protection of song or music creation with or without text. As protected by the UUHC, the creators are entitled to the economic rights to his creations. This economic right is necessary as a form of appreciation or value for the creative outcome of its creations which is a song that can be enjoyed by the community or people when listening to it. That is, creators are entitled to the economic rights of music enjoyed by the community.

The copyrighted work in digital form is easy to duplicate and the result of the deed is also almost indistinguishable from the original. Not only that, people can then make modifications to the results of copying and distributing it to the world at almost no cost. On one hand, it certainly makes it easy for almost everyone to infringe on the copyrights of others on a large scale. For example simply by changing the lyrics of the song and replacing it with the person's lyrics without the permission of the copyright holder of the song as described above. On the other hand it is difficult for the copyright owner to know the occurrence of violations, recognizing, or later making legal efforts (Yusran, 2009).

Prior to the legislation governing copyright that governs national copyrights, Auteurswet 1912 is the only statutory regulation governing copyright for all (which in the Then called the Dutch East Indies) the Indonesian nation. Auteurswet 1912 was proclaimed through the Staatsbland No. 600 year 1912, dated 23 September 1912. This article II declares that all state agencies and regulations are still valid, as long as they have not been held new under this Constitution (Harjowidigo, 1997: 28).

The phenomenon of copyright infringement, especially the announcement of songs and/or music currently lasts without any meaningful legal remedies. Many communities in commercial activities broadcast music or songs without paying royalties or requesting permission from their creators. Just as a musician who thinks only of material gains from his creations without seeing and paying attention to the creation of the music consists of the arrangement of the elements of the tone must be original and there is no resemblance to the creation of others. It is sometimes missed from the attention of a musician, especially in Aceh.

Art in Aceh is still in a sick state. This chronic seemingly unhealed disease can hardly be cured in the near term. In the music world, the main disease is a plagiarism, which is tracing the rhythm of other people's songs outside of Aceh and calling it a song of its own, and the people in Aceh will listen to it. The plagiarism has begun since there was a record of voice in the recording industry. The presence of AIRA (Aceh Recording Industry Association) has not been able to improve the situation.

The existence of the Aceh Arts Council (DKA) is not yet meant to overcome. Creativity in Aceh's music industry is worth the question, the fact that Aceh's music industry is far from expectation. A frequent violation of the song's copyright is to reproduce, multiply the song by Plough without the permission of the creator, change the lyrics of the song, change the melody and tone in the song without the permission of the creator or the copyright holder of the song's work (Hasibuan, 2008).

The most basic problem today is the understanding of copyright that seems overlooked, when this is important especially now that copyright issues are a matter of living and dying, in the context of the industry. In the context of the singers who again climbed the leaves, the initials (Z) alias (BG) songs barely 80 percent plagiarized Indian songs. The plagiarism has worsened the art world of ACEH which in fact has not been seen as a classy world. Based on the explanation above, there are several issues that become the object of study in this research, namely, how to apply legal protection for music copyright in Banda Aceh.

Research into writing this research uses the type of normative and juridical juridical research empirical. A normative juridical approach was conducted using a regulatory approach, while empirical research was conducted by means of a legal sociological approach (Soemitro, 1990: 34).

II. LITERATURE REVIEW

The protection of the law is to provide a grant to the human rights that are harmed by others and the protection is given to the public so that they can enjoy all the rights granted by the law. While according to Setiono legal protection is an action or attempt to protect the public from arbitrary conduct by the ruler who does not comply with the rules of law, to realize order and tranquility so as to allow Man to enjoy his dignity as a human being (Harsono, 1990: 45).

When examined by copyright protection is an material right that is immaterial, will be remembered to the property rights. This proprietary right guarantees to the owner to freely marry and may take legal action freely against hers. That proprietary object can be copyrighted as a proprietary property of immaterial. Copyright, the creator or the right holder may assign to all or any part of the copyright to others, by way of inheritance, grants or wills or in any other way.

This proves that copyright is a right that can be owned, can be an object of ownership or property and therefore on copyright it applies the terms of ownership, both on how to use it or the transfer of its rights. All of these laws will provide protection in accordance with those qualities and rights. It can also be understood, that the protection given by the Law on copyright is to protect the activities of the creators to keep creating and more creative. The birth of a new creation or pre-existing creation must be sustained and protected by law. The form of protection is confirmed by law by placing criminal sanctions against persons who infringe on copyright in a manner against the law (Sutedi, 2010: 115).

Copyright law protection is intended to encourage individuals within the community who have the intellectual ability and creativity to be more passionate about creating as many copyrighted works as possible for the advancement of the nation. According to Fitzgerald, explain the theory of legal protection that the law aims to integrate and coordinate various interests in society because in a traffic interest, protection against certain interests only can be done by limiting various interests on the other.

Copyright law aims to protect rights in distributing, selling, or creating derivatives of such works. The protection obtained by the author is the protection of plagiarism by other people. Copyright is often associated as a buy and sell license. But the distribution of copyright is not only in the context of buying and selling, because it could be the author made a statement that the work is free to use and distributed.

Copyright in Law No. 28 of 2014 on copyright is the exclusive right of the creators arising automatically based on the declarative principle after a creation is realized in real form without prejudice to the restrictions in accordance with Provisions of statutory regulations. Indonesia has undergone many changes in the Copyright Act. Since Law No. 6 of 1982 on copyright, Law No. 7 of 1987 on the amendment of Law 6 year 1982 on copyright, Law No. 12 year 1987 on amendment of Law No. 6 year 1982 on copyright as amended by Law No. 7 year 1987 about The amendment of Law 6 years 1982 on copyright, then revoked and amended by Law No. 19 of 1982 on copyright, and last until now is Law number 28 year 2014 on copyright.

The justification of copyright protection can be described by simple expressions. Essentially, everyone should be recognized and entitled to have what it generates. When that right was taken from him, he was nothing more than a slave. This expression is becoming increasingly important considering the copyright perspective, what is produced entirely from the brain or human intellectual capacity. Furthermore, note that other rationality is more pragmatic. This rationality rests on the principle that protection is necessary to maintain the economic order in particular and social life in general (Soelistyo, 2011: 21).

The song and/or music is one of the protected creations as described in article 40 paragraph (1) Letter D UUHC The copyright protection of the creation of songs or music with or without text valid during the creators ' life and continued for the period of 70 (seventy) years after the author dies, starting from 1 January of the following year. As for the copyright protection of the creation of songs or music owned or held by the legal entity is valid for 50 (fifty) years from the first time the announcement was made.

This copyright protection has an important role in the law enforcement related in music copyright. Some basic concepts that must be considered in copyright protection are:

- a. Copyright protected is a tangible and original idea, confirmed that the existence of a tangible and tangible form and something tangible is genuine or not a result of plagiarism is a condition that must be met to be able to enjoy Copyright law protection. A song that is sung by someone spontaneously and then the sound and the spoken voice is lost swallowed the air does not get copyright. However, if the song was recorded or written and proved not as plagiarism, it would have been copyright protection.
- b. Copyright arising on its own (automatic), to acquire the copyright song is not required any advanced action such as recording it with a complete music accompaniment, publish a word of the notation, or record it in a cassette or CD that can be Sold. However, copyright notes are useful when announcing a song (generally heard) and in the event of a copyright infringement dispute.
- c. A creation does not necessarily have to be announced to acquire copyright, only with the basis of the idea, a creation is considered to exist. The existing creations can be announced or not announced. Both of these things are copyrighted.
- d. Copyright of a creation is a legally recognized right that must be separated and should be distinguished from the physical mastery of a creation, for example someone bought a cassette or CD song legally, means the owner of the cassette or CD can listen to and enjoy the songs or music contained therein, not that he belongs to the copyright owner of the song. If the cassette or CD owner reproduces and resell the song, the person has committed a copyright infringement (Soeharto., 1986: 52).

Copyright law Year 2014 gives the limitation that: "The work of music or song as a work is intact. The composition of the music and song consists of the lyrics that are sung words or verses, the notation is the tone consisting of numbers or symbols, the melody is a series of a number of tones, which reads or sounded sequentially, and which The last arrangement is an additional work compiled as an ornament against a certain pre-existing composition, in order to be served more attractive. The elements contained in the lyrics, notation, melody, and arrangement, are the whole unity that must be protected

III. THE APPLICATION OF LEGAL PROTECTION OF MUSIC COPYRIGHT IN BANDA ACEH

Legal protection against copyright holders is important because the protection is intended as an effort to realize a better climate for growing and developing spirit of creating in science, art and literature . In the context of creation, copyright protection is needed to encourage appreciation and build a community attitude to reward the rights of one's creation. While the attitude appreciates more with the economic aspects. This is a common thing, because copyright is geared to allow the use of the creation to take place in order and to provide economic benefits to the creators. It all in turn will enrich the treasure of people's lives in general.

The creator was a person or several people together who for his inspiration gave birth to a creation based on ability, mind, imagination, dexterity, skill, or skill poured into a distinctive and personal form . The form of copyright protection provided is a prohibition for anyone to announce or reproduce the protected creation except with the permission of the copyright holder. The copyright holder is the creator as the copyright owner, or the party receiving such rights from the Creator, or the other party who accepts further the rights of the party accepting such rights.

Recognizing the importance of legal protection on copyrights to foster a passion for creating in the fields of science, art and literature. The Indonesian government continuously strives to renew the legal regulations in the field of copyright to adapt to existing developments, both in the economic and technology developments. This is evidenced by the establishment of Law No. 24 of 2014 which is a change in Law No. 19 of 2002.

But the efforts made by the Indonesian Government in the framework of protection against this copyrighted work has not produced the maximum results. This is because in its reality, various forms of violations are done either in the form of piracy against copyrighted works, announce, distribute, plagiarism, or sell the copyrighted work of others without the permission of the creator or the copyright holder It is still volatile and as if it cannot be dealt with even though it can be seen and felt in everyday life.

Aceh is one of the areas that has its own special privileges and one of the provinces that has specific autonomy. One of the privileges and one of the provinces given special autonomy can be seen from the LAW No. 18 of 2001 on special autonomy for Aceh province, mentioning that the province of Aceh Special region is given special autonomy within the framework of the unitary state Republic of Indonesia. Law while law No. 11 of 2006 on the Aceh government mentioned that Aceh is a provincial area which is a unity of the legal community that is privileged and given special authority to regulate and manage its own government affairs and The interests of local communities in accordance with the laws and regulations in the system and the principles of the unitary Republic of Indonesia under the Constitution of the Republic of Indonesia year 1945, led by a governor.

Art in Aceh has legal protection and should be preserved. This can be seen from the Qanun rule of Aceh Province number 12 year 2014 about Aceh culture in article 12 said that the construction, development and preservation of Aceh Regional Arts as a cultural expression were cultivated to be able to accommodate, protect and Foster the copyrights of artists and increase the appreciation of the art of society that can evoke a sense of pride.

Looking at the above statement, it means that Aceh is a special region or privileged region in which Aceh has its own legal arrangements and special nature and for the certainty and fairness of its people. Therefore, the protection of legal related in the field of arts, especially regarding the arrangement of the creation in the field of music must be made specifically in the form of Qanun. Copyright protection of music in its application especially in the city of Banda Aceh has not been set specifically. This made many musicians feel restlessness and did not get legal certainty on the results of his creations (Atmadja, 2019).

It should be a special rule in the framework of the artwork, including the music created by Qanun, should be created immediately, given the violation of the results of the creation or which could be said plagiarism to the creation of the results especially in the field of music The city of Banda Aceh is growing. This has actually been proposed in several seminars by the Chairman of the Aceh Provincial Arts Council, and was previously submitted to the Aceh People's representative Council on the rules of copyrighted work in particular. But as time, this has not been a serious response by the Aceh government. It's not a serious thing to struggle with. But many artists in Aceh and musicians expect a special regulation to achieve its legal certainty (Atmadja, 2019).

Seeing the phenomenon of plagiarism or the tracing of the results of the creation in the field of music that occurs in the city of Banda Aceh, as if there is no meaningful legal settlement. The Aceh Arts Council said it could not do much in its completion because there was no specific regulation for its completion. This is what makes the Aceh Arts Council always striving to protect the creation of artworks in order to be able to make a special arrangement of law, to create legal certainty for musicians or actors, especially in the city of Banda Aceh.

Essentially applying the law to music copyright in the city of Banda Aceh if it is used UUHC can not accommodate any form of infringement done by musicians in the case of plagiarism a music copyrighted work. This is because it still does not work well in its implementation and it is also not serious that the Aceh Government responds to it as well as in the enforcement of copyright infringement in the city of Banda Aceh. In hopes of the contribution of Aceh government in the art world in Aceh, especially in the city of Banda Aceh in conducting an action whose nature protects the related actors in the work of his creations. Many of the core substance that want to be included in planning proposals in the form of Qanun are blessed against the copyright of the artwork in this case covers the copyright of music. One of these is, in terms of how the rules before publishing a music copyright work, there should be some procedures that must be passed, one of them with a selective method process, which the copyrighted work should be checked back to The originality of his creation was blessed in the creation of his music. Is there a similarity of musical elements in them to the creation of other people's creations. This is done in order to avoid the plagiarism of the Art of music and copyright (Atmadja, 2019).

The public greeting to the ACEH music industry is very good, and the community is very entertained by the existence of these Acehese musicians. Many creative music thinkers in Aceh already understand the steps and what kind of music is like and can be enjoyed by the people of ACEH. He said with his seiringn time, when the Femonema appeared a track remix which in the song allegedly made a copyright infringement in the form of a plagiarism, which only replaces his lyrics from the Indian language to The region is Acehese. The song plagiarism is a less respectable action, preferably reduced and eliminated. Listening to the original song means orbitizing the owner, listening to the song trace means helping the thief of people's work.

The Femonema is deeply disrespectful of its creator, and is not to be said of any justified deeds. Intelligent musicians are musicians who can produce their creations with pure originality, and are born from the ideas of its creator. Music observers in ACEH and intelligent society have not been able to change and eradicate the plagiarism virus. This situation does not, however, make us claim that the music plagiarism in Aceh cannot be overcome. There is always a solution for every problem. It may be necessary to be born Qanun of the Aceh government about copyright to resolve it. He said this should be taken seriously by the Aceh government (Ghazali, 2019).

IV. CONCLUSION

The application of the Law on Music copyright in Banda Aceh if used UUHC can not accommodate any form of violations committed by musicians in the plagiarism of a music copyrighted work, this is due to unscheduled implementation in accordance With the law and not seriousness of the government of Banda Aceh responding to this and in conducting a violation of copyright infringement in the city of Banda Aceh. The Femonema is deeply disrespectful of its creator, and is not to be said of any justified deeds. Intelligent musicians are musicians who can produce their creations with pure originality, and are born from the ideas of its creator.

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