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DAFTAR ISI

COMMERCIALIZATION OF COPYRIGHT CONTENT THROUGH DIGITAL PLATFORMS IN INDONESIA Tasya Safiranita Ramli, Ahmad M. Ramli, Danrivanto Budhijanto, Rika Ratna Permata	1
ANALYSIS OF THE ACCOUNTABILITY OF CRIMINAL ACTIVITIES IN THE EIGHT OF THE LUWAK POWDER COFFEE IN PD. SUMBER BUANA ABADI Ari Pratama, Erlina B.....	8
JURIDICIAL REVIEW OF DISASTER RESPONSE DISPUTES IN THE PUBLISHING AGREEMENT FOR COLLEGE OF DARMAJAYA PRESS Dian Herlambang, Muhammad Ridho Wijaya.....	20
JURIDICAL REVIEW HATE SPEECH LAW NO. 11 YEAR 2008 JUNCTO LAW NO. 19 OF 2016 CONCERNING ELECTRONIC INFORMATION AND TRANSACTIONS IN PROVIDING COMMUNICATION ETHICS EDUCATION IN SOCIAL MEDIA Ida Ayu Putu Anggie Sinthiya.....	30
AUTHORITY OF DIRECTORATE GENERAL OF SPACE MINISTRY OF WORKGENERAL UNDER THE MINISTRY OF AGRARIAN AND GOVERNANCE / BPN Upik Hamidah.....	47
ANALYSIS OF CRIMINAL RESPONSIBILITY OF CRIMINAL ACTIVITIES OF THE EIGHTS AND EXTENSION OF CAR Alan Ridwan, Bambang Hartono.....	59

COMMERCIALIZATION OF COPYRIGHT CONTENT THROUGH DIGITAL PLATFORMS IN INDONESIA

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Abstract

With the new advances in the Industrial Revolution 4.0 era, which were initiated by artificial intelligence coupled with genetic engineering and nanotechnology, changes will occur in a very fast period of time and result in an impact on the economic industry and also governance in the presence of new business that was born of innovators to create strategies through digital platforms. In Indonesia, digital innovation is not only in one area, but also in the fields of education, food, health, which is also used as a new law in government that supports the Industrial Revolution 4.0 era. These developments also affected the world industry. The birth of the term Industrial Revolution 4.0 was a continuation of the previous industrial revolution. The Industrial Revolution 4.0 is an amalgamation of an optimized manufacturing industry with the latest internet technology.

Keywords: Artificial Intelligence, Digital, Economy, Platforms, and Technology.

I. INTRODUCTION

The Industrial Revolution in Indonesia is known as the era of digital disruption, in this era a lot of changes regarding matters relating to technological law.¹ Before the birth of the Industrial Revolution 4.0, several processes had become a container for the growth of technological development, one of which was in cyberspace which enabled automation in a production process. *Internet of things* has become one of the successful products of the 4.0 Industrial Revolution today, the use of internet media in Indonesia has now become a primary need, and even what is called social media is a common thing that has been widely seen for many audiences in this country.

The most important technology in the Industrial Revolution 4.0 is *mobile computing, cloud computing, and big data*.² The development of the 4.0 Industrial Revolution will be faster than the three generations of its predecessor. This revolution emphasizes the application of digital aspects in every industry such as information technology, cellular communication, and *e-commerce*.³ In other respects, in addition to a number of things that support the development of IPR in the era of *digital disruption*,⁴ there are still some challenges we have to face, including the era of our digital economic development which still influences, there are still many Indonesians who still have dependence on social or cultural aspects, so there is still a lot of attention from the government to socialize with what is called the Industrial Revolution era. 4.0.

Digital systems that are often caused by the Industrial Revolution 4.0 need to be taken into account properly so that people can prepare for the changing technological era that can reduce unemployment in Indonesia so that it can be suppressed. To enter the era of the Industrial Revolution 4.0,

¹ Rainer Schmidt, et al, "Industrial Revolution 4.0 – Potentials for Creating Smart Product: Empirical Research Results", *Springer International Publishing Switzerland*, Vol. XV, No. 352, June 2015, p 32.

²*Ibid.*

³ Frank Corded and Nigel Stacey, *Is UK Industry Ready for the Fourth Industrial Revolution?*, Boston: The Boston Consulting Group, 2017, p. 5.

⁴ Disruption, according to Big Indonesian Dictionary is: uprooted case, namely the lifting of things, on the basis of the root of the root of legal protection. *Kamus Besar Bahasa Indonesia (KBBI) Fifth Matter*, Ministry of Education and Culture Development and Development Agency, 2017.

Indonesia needs to improve the quality of its Human Resources (HR), so that Indonesia is not left behind by other developed countries. The problems are how is the practice of Copyright Content Commercialization in Indonesia and Law Number 28 Year 2014 (UUHC) sufficient to serve as a legal umbrella for Copyright and Digital Platforms?

The method of approach used in this paper is the normative and comparative juridical approaches. Normative juridical namely research by explaining the provisions in the legislation in force. Comparative juridical understanding is based on comparative law.⁵ Comparison of law with developing countries is also to compare national legal instruments in the field of copyright and digital platforms. This study uses a juridical-normative approach, which is an approach that analyzes secondary data based on norms, rules, legal doctrines and principles known in the field of law. In this approach method, and in accordance with its objectives, this research is also supported by the method of comparative law⁶ and legal interpretation⁷. The method of comparative law is intended to obtain a picture of the Commercialization of Copyright Content in OTT Media that has been carried out in several countries, both from the regulatory, planning, implementation and institutional aspects. Countries used as comparisons are Singapore and Japan, because the two countries in Asia have mandated the commercialization of the OTT Media system as a national socio-economic development. The legal interpretation method is used to find the rule of law and if possible find legal principles that can be applied in the Commercialization of Copyright Content on OTT Media.

⁵ Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI-Press, Jakarta, 1986, p. 52.

⁶ *Ibid*, p.50. According to Soerjono Soekanto, viewed from the point of view, legal research consists of: research on the principles of law, research on legal systematic, research on the level of legal synchronization, research on legal history, and comparative research on law.

⁷ Sudikno Mertokusumo, *Penemuan Hukum (sebuah pengantar)*, print., first, Yogyakarta : Liberty, 1996, p. 56-62. According to Soedikno Mertokusumo the interpretation method (interpretation) is divided into four namely grammatical interpretation, systematic interpretation, historical interpretation, teleological interpretation. In addition, there are also comparative interpretations and anticipatory interpretations.

II. DISCUSSION

1. The Practice of Commercializing Copyright Content through Digital Platform.

Digital Platform⁸ is an electronic system that is used to carry out electronic transactions in the form of business facilitation and / or mediation of the transfer of ownership of goods and / or services and / or other services through the internet and / or electronic devices and / or ways with other electronic systems. Digital Platform Services is the provision of internet-based services that can be used for example, communication, financial transactions, data storage, data retrieval, search engines, game services, social media networks and the provision of digital information in the form of text, sound, images, animation, music, video, film or a combination of some and / or all of them.

Digital Platform is an electronic system that is used to carry out electronic transactions in the form of facilitation and / or mediation business activities to transfer ownership of goods and / or services and / or other services through the internet and / or electronic devices and / or ways with other electronic systems. Digital Platform Service Providers are parties who provide, manage, and / or operate digital platforms individually or jointly to users for their own needs and / or the needs of other parties. Digital Platform Services are the use of applications / software that enable communication services in the form of short messages, voice calls, video calls, e-mails, and online conversations; financial transaction services; data storage and retrieval services; search engine services; game services; social networking and media; and electronic information provision services in the form of text, sound, images, animation, music, videos, films or a combination of some and / or all of them.

⁸ Types of Digital Platform includes the following services:

- a) sales and marketing of digital products (videos / movies, music, software, e-book);
- b) trading through the electronic system (e-commerce); (Delivery of a physical product)
- c) advertising on the service; (Need deeper discussion)
- d) data processing; example: family tree, analyze
- e) use of financial technology (fintech);
- f) application distribution channels (distribution channel); example: PlayStore, appstore, steam
- g) electronic interactive games;
- h) software services based on cloud computing (software as a service); services-based platform user generated content (eg social media platform)

2. Copyright, Digital Platform and Law in Indonesia

Earlier, in Indonesia that connects between the user and the creator of one of them is a collective management organization Yayasan Karya Cipta Indonesia (YKCI). This institution is a very important facilitator for both the creator and the user of the copyrighted work / user. This institution bridges the relationship between the Copyright Holder and the user and will ensure that the Copyright Holder or Creator receives payment for the Use of their work.⁹

This time it is based on a new law that Collective Management Institutions such as YKCI, WAMI, and others do not necessarily have to stop operating because they do not yet have operational licenses from the Minister, because they are in accordance with the Transitional Provisions, professional organizations or similar institutions of any kind. Those who have the duties and functions to collect, manage, and / or distribute Royalties prior to the entry into force of this Law must adjust and change into Collective Management Institution within a period of 2 (two) years after the entry into force of this Law.¹⁰

The UUHC has comprehensively regulated the protection of copyrights when Indonesia entered the Industrial Revolution 4.0. UUHC no longer focuses solely on commercialization through the activities of recording producers for music as it used to be done conventionally. The UUHC provides the freedom to disseminate content through OTT media on condition that the said media fulfill its obligation to pay royalties either through the intended creator or through a collective management agency.

Digital platforms such as YouTube or FB are identified with television media that have an obligation to pay royalties, in Free to R (Free of Software computer program). However, there are differences in patterns between OTT media and TV because TV actually creates content and has broadcast rights that are protected by the UUHC, but OTT media is more on the character of accommodating and distributing content created by others.

⁹ <http://indochinatown.com/2012/05/16/hubungan-antara-lembaga-kci-dengan-pungutan-hak-cipta-lagu/>

¹⁰ <http://www.hukumonline.com/klinik/detail/lt541f940621e89/kedudukan-lembaga-manajemen-kolektif-dalam-uu-hak-cipta-yang-baru>

The UUHC regulates the author's right to obtain economic benefits over his published works.

In the current digital era, many changes from the conventional era to the era of digital disruption, with the progress in the current Industrial Revolution 4.0 era, commercialization of digital platforms is closely related to copyright because it is one part that cannot be adopted from the UUHC today, researchers have a suggestion that there should be regulations that specifically regulate the commercialization of copyrights in today's digital platforms. The Copyright Act does not specifically regulate digital platform applications, so there are a lot of disputes in the digital era now. One example is the absence of copyright protection for stakeholders on the YouTube digital platform for video riding on the application, so that many parties are harmed by this. From the legal side, it can be concluded that there is still a need for additional regulations on the basis of commercialization of copyright content on digital platforms.

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