
COPYRIGHTS PROTECTIONS OF SONGS IN COVER VERSION ACTIVITIES

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ABSTRACT

KEYWORDS

Songs: cover version;
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A phenomenon that is currently rife is covering songs created by other people to be uploaded on digital music media for commercial purposes without the creator's permission. While copyright violations have occurred so far, often without any meaningful legal settlement. One of the most visited digital music platforms by the public is a video-based digital music media called YouTube. The results are not copyright infringement if the creation and distribution of the Cover Version through information and communication technology media is non-commercial in nature and benefits the Author or related parties, if the Author expresses no objection to such production and distribution. If the act of covering a song does not meet the elements of Article 43 and Article 44, it is a Copyright infringement. What Gen Halilintar did was copyright infringement, because he made a cover of a song without fulfilling the above elements. The author does not fully agree with the judge's decision to completely reject Nagaswara's lawsuit, because what Gen Halilintar did was a copyright infringement. The basis for the judge's consideration was that the purpose of making cover came from subscribers. Many people cover songs through YouTube, Gen Halilintar covered Nagaswara's "Lagi Syantik" song without permission but still included the word cover and the song title. The judge found that the claim for royalties from this song fell to Wahana Musik Indonesia (WAMI) as the collective management agency, not to Gen Halilintar

INTRODUCTION

The development of globalization is also indicated by the development of advances in technology, information, and communication. It can be seen from how easy it is to get information in today's internet era. Technology particularly accesses to existing technology plays a central role in catch-up growth (Thalib, 2016). It is very easy for us to get information and communicate between cities, between countries, and even between nations via the internet so that we are not late in getting information. The internet has become the communication tool of choice-able for meeting the demands of the global community for faster, more effective, and inexpensive communication as well as the need for obtaining the most up-to-date information (Tim & Damian, 2002).

Intellectual Property Rights are loaded with global values and economic content. Various challenges come at the same time confronting a nation (Syafrialdi, 2002). Global competition pushes the global economy into an era of creativity and innovation. Industrial globalization requires society to produce products that add value to economic activity (Fadhila, 2018). The creative economy can be explained as a production of added value based on ideas, arising from the creativity of human resources, and based on the use of knowledge, as well as cultural and technological heritage. The first dictum of

Presidential Instruction Number 6 of 2009 Concerning Creative Economy Development instructs ministers and officials to: "Support the 2009-2015 Creative Economy Development policy, namely the development of economic activities based on individual creativity, skills and talents to create creativity and individual creativity that has economic value and influences the welfare of the Indonesian people, with the goals, directions, and strategies as contained in the Appendix to this Presidential Instruction. "

One form of the creative economy of Intellectual Property Rights is Copyright, in which Copyright is defined as a right that regulates intellectual works in the realms of art, science, and literature in a distinctive form. The definition of copyright in article 1 number (1) of Law Number 28 of 2014 Concerning copyright, namely: "Copyright as the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in a tangible form without reducing restrictions by the provisions legislation".

Copyright is part of IP which contains economic rights and moral rights. Based on economic rights, it allows an Author to exploit a copyrighted work in such a way as to obtain economic benefits. Therefore, if a work is not managed in an orderly manner based on a set of legal principles, it may result in a dispute between the copyright owner and the copyright holder or other parties such as copyright users who violate it. For its regulation, a set of effective legal provisions is needed for all possible violations by those who are not entitled to a person's copyright (Damian, 2014).

Copyright in Indonesia has existed for a long time, starting with the issuance of Law No. 7 of 1987 concerning changes to Law no. 6 of 1982 concerning Copyright, then changed to Law no. 12 of 1997, and then amended again into Law No. 19 of 2002 Concerning Copyright. And now the regulations regarding copyright protection have been updated in Law no. 28 of 2014 Concerning copyright, the law covers all types of intellectual activity in the current era (Sutikno & Jannah, 2019).

In Article 40 of the Copyright Act, there are several types of works that are protected, one of which is a song. In article 40 letter (d) works that receive protection are songs. A song is a collection of beautifully arranged words. Songs accompanied by music are made according to the musical composition and rhythm and tempo so that the listener is immersed in the feelings that the song conveys (Anak Agung Mirah Satria Dewi, 2017). Songs are explained as one of the various types of literary works that are special because in a song there is a tempo that involves all depths of meaning (Triatmojo, Hamzani, & Rahayu, 2021). The song is an artistic combination of successive tones or sounds, temporal combinations, and connections (usually accompanied by musical instruments) to create a musical combination that has unity and continuity (contains rhythm) (Maharani, 2005).

A rife phenomenon at the moment is covering songs created by other people to be uploaded on digital music media for commercial purposes without the creators' consent. While copyright violations have occurred so far, often without any meaningful legal settlement. One of the most visited digital music platforms by the public is a video-based digital music media called YouTube (Miladiyanto, 2015).

The YouTube platform has a large audience since it can be accessed by all levels of society without requiring paid subscription like other music platforms. Many singers or creators take advantage of current hits to cover on their YouTube channels and monetize their videos for commercial purposes without the Creator's knowledge.

Not a few YouTube creators in the music field have started their careers and have made a profit. One of them is on the Youtube Channel named Roni Ramadhan and Allya

Rizki Putri who create cover song content using artists' songs that are well-known in the country. Not only that, but they also commercialize it and earn profits with or without the creator's permission. Authors should have full rights to their song creations, by giving permission to cover singers and getting an appropriate share of royalties from the results of their creations.

The owner of the song has economic rights from the results of his copyrighted work to be able to make a profit, because it is difficult for the copyright owner to find out that an infringement has occurred on the copyrighted work of his song, he can seek legal action by the Copyright Act (Utama, Titawati, & Loilewen, 2019).

According to the Bern Convention for the Protection of Artistic and Literary Works, copyright protection is guaranteed for life, plus 50 years after the death of the right owner. In article 57, the term protection for moral rights to creation is valid without any time limit. In Article 58 of the Copyright Law, the term for the protection of economic rights to song copyrights is as long as the creator lives and lasts for seventy years after the creator dies, counting from the first of January in the following year. Then, the protection has been valid for fifty years since the first announcement (Situmeang & Kusmayanti, 2020). When viewed from the definition of copyright in article 1 of Law number 28 of 2014, copyright is a right where the right arises automatically based on a declarative principle. It means that copyright protection will be immediately bound to the creator after the work is realized in tangible form, published, and can be reproduced. Because a copyrighted work that has not been realized in a real form based on article Forty-one point (a) of the Copyright Act, does not receive protection under the Copyright Act. This means that a song that has been realized in a tangible form will immediately receive protection from the law (Kusno, 2016).

RESEARCH METHODS

The research is lawful so the focus is substantively on discussing the law (to state the law), namely discussing normative statements; and not talking about what was or what happened. Further explained as follows:

The approach used in this research is included in the qualitative approach. This is because the process or activity of legal research is argumentative and interpretive. Therefore, the form or writing model used for reporting this research is argumentative writing which is the process of conveying legal reasoning or legal argumentation.

Regarding data collection methods, as is usual in legal research, data referred to as legal materials (legal materials or authorities) are used. The legal materials in this study consist of primary, secondary, and tertiary legal materials (primary authority, secondary authority, and tertiary authority).

The types of interpretive techniques used to refer to interpretive techniques known in the Science of Law, where in a broad sense the technique or method is called legal discovery (*rechtsvinding* or legal method). There are several types of approaches used in this research, namely the conceptual approach, the statute approach, and the case approach.

RESULTS AND DISCUSSION

Copyright infringement which is a Bundle of Rights in song covers

In songs and/or music attached moral rights consisting of maternity rights and integrity rights as well as economic rights consisting of recording rights, duplication rights, translation rights, adaptation, arrangement and transformation rights, distribution rights, publication rights, and the right to communicate songs and/or music. All of these rights are attached to the creator and cannot be violated. Other parties are prohibited from ignoring moral rights and are prohibited from exercising the economic rights of creators and/or copyright holders without the permission of the creator and/or copyright holder. It should be emphasized that ignoring the moral rights and economic rights of creators and/or copyright holders is a form of copyright infringement.

Song and/or music is art related to a combination of sounds associated with beauty as well as an expression of thoughts and feelings (Mutiani, 1996). Etymologically, songs and music have different meanings. A song is a poem that is recited according to a certain tone, rhythm, rhythm, and melody to form harmony. Meanwhile, music is a sound that is arranged in such a way that it contains harmony, especially from the sound produced by tools that can produce rhythm. Even though song and music are etymologically different, in the Copyright literature there is no distinction between song and music. Copyright recognizes songs and/or music in one definition, such as musical works. Under international IPR protection, songs and music are called musical works.

Copyright protection appears automatically when the work is expressed in a tangible form. According to the author, the form of expression of a musical work does not have to be in a physical form. If a musical work can be read, heard, seen, and enjoyed by other people, then the musical work will automatically be protected by copyright without being based on creation registration. Registration of creations at the Directorate General of Intellectual Property (Ditjen KI) is only declarative in nature. (Anak Agung Mirah Satria Dewi, 2017)

Attached and cannot be lost. The concepts of adaptation, arrangement, modification, and transformation are the concepts that form the basis of the cover version concept. 40 that is done in a cover version or song cover is to add certain creative contributions, such as adding new harmonies and rhythms, rearranging musical notes, including writing and retranslating a piece of music into a different style of music. The work resulting from the creator's creative contribution is protected by Copyright as long as it does not interfere with the moral rights and economic rights of the creator. Then, the question is what is the limit on the act of covering a song being said to interfere with the creator's rights or not?

In the process of creating musical works so that they can be enjoyed and heard by the public, creators can carry them out themselves or involve other parties. If the creator carries out the production of the song/music independently, all moral rights and economic rights over the song/music are fully owned by the composer. Meanwhile, if the creator involves other parties, it means that the creator has transferred some of his rights.

In the music industry, songwriters may be owners of record companies (record producers). If the songwriter is not the owner of a record company, the composer usually approaches the record producer and offers his song to be recorded. However, sometimes the record producer also requests or orders songs from the creator. Then if the record producer is interested in the songs offered by the composer, the record producer will agree with the songwriter.

After an agreement has been reached between the songwriter and the record producer, in this case the record producer has mechanical rights (the right to reproduce a

work). Furthermore, the producer will look for performers (singers, music arrangers, or arrangers). Just like songwriters, performers also make deals with song producers. And after an agreement has been reached between the three parties (composers, record producers, and performers), the song or music is recorded to produce a sound recording or master song, and the master recording is attached to the record producer's rights which are called sound recording rights, and the rights of performers called performance rights.

Then, the master songs are reproduced in the form of cassettes, CDs, VCDs, or DVDs, which are sometimes done by the sound recording producer (as well as the distributor) himself. However, there are record producers who are not distributors at the same time, they must involve other parties as distributors. In this case, there are various kinds of agreements between sound recording producers and song recording distributors, including:

- a) Break-up trading, namely the producer duplicates the recording of songs in the form of cassettes or CDs, then the cassettes or CDs are sold (broken) to distributors and then the distributors market them in the area under their authority.
- b) Consignment, also called point of sale. Namely sound recording products that are reproduced by producers and given to distributors to be sold or marketed. For every record sold, the distributor gets a commission.
- c) Buying and selling of labels, in which the producer prints a label for sound recording products and sells the label to the distributor and at the same time lends the sound recording master (song master) to the distributor to be reproduced by the number of labels purchased by the distributor from the producer.
- d) Profit-sharing system, namely producers and distributors work together in duplicating sound recording products, while distributors are responsible for marketing them. Profits are shared according to the agreement.

After the sound recording products have been reproduced and are in the hands of distributors, the sound recording products are distributed to sales agents, then forwarded to retailers or sales shops until they reach the public or consumers. This distributor agent has the distribution rights to the song creation. Sometimes, the artwork of the music or song is also published through broadcasting institutions either with or without cable. Like on television, radio, and the internet. This broadcasting institution has the right to publish or announcement of the work. Not infrequently, the publication of musical works of art via the internet usually utilizes social media such as YouTube, Facebook, Instagram, Twitter, and so on.

From a juridical point of view, the entire process and legal relationship above is entirely a series of births of Copyright protection and concepts of transferring the economic rights of songwriters and related rights holders, especially record producers (producers of phonograms), performers, distributors and broadcasting institutions.

All the actions taken by the cover actors above have the potential to violate copyright. In covering songs, cover actors have violated the creator's moral rights (modification and mutilation of creation) and exercised the creator's economic rights (arranging, recording, publishing, and communicating creations) which should have obtained the creator's permission. An explanation of how the activities mentioned above can potentially violate copyright will be presented as follows.

First, modification of creation. According to Article 5 Paragraph (1) letter e of the Copyright Law, in essence, it states that the moral right is eternally attached to the creator to defend his rights in the event of distortion of creation, mutilation of creation, modification of creation, or things that are detrimental to his self-honor or reputation.

Such a right is a right of integrity, namely the right of the creator not to change his work. This right is eternal for the creator himself and can only be deviated by the will of the creator. According to the author, cover actors on social media often modify or change musical works, be it genre, tone, rhythm, melody, or even lyrics. The creator, in this case, has the right to defend his rights if there is a modification to his musical work that harms his honor and reputation by suing the court accompanied by evidence that his honor and reputation have been harmed by the performer of the cover.

Second, the mutilation of creation. As with modification of creation, mutilation of creation is part of the creator's moral rights. The creator has the right to defend his rights from activities that are considered detrimental to his self-respect and reputation. If the mutilation of creation in a song cover on social media harms the creator's self-respect and reputation, then the creator can sue the cover actor along with evidence that his self-respect and reputation have been harmed by the mutilation of his work.

Third, parties who record songs and/or music in cover song activities on social media have exercised the economic rights of creators or copyright holders. There are 2 (two) versions of cover songs, namely the same version as the original song and a different version from the original song. Recording the same version as the original song, the cover performers do not change any elements of the original song but are sung by other parties who were not given the performing rights by the creators. While recording a different version from the original, namely the performer changes the elements of the song and/or music such as the melody, tone, rhythm, and lyrics of the original song. Different versions of the original song are then sung by parties other than the creators or parties who are given the performing rights. This is a violation of the economic rights of the creator, especially the right to copy if the author or copyright holder does not have permission.

Fourth, in song cover activities, not infrequently the cover actors also translate the lyrics of the song. As explained above, music and lyrics are protected as one unit. If there is a party that 'injures' the rights to the lyrics of a piece of music, he also directly infringes the copyright on that piece of music. The activity of translating a piece of music is an economic right of the creator based on Article 9 Paragraph (1) letter c. What is expected from the activity of translating this musical work is that the creator gets economic benefits, in this case, royalties. So that everyone who exercises the economic rights of the creator or copyright holder must obtain the permission of the creator or copyright holder.

Fifth, adapting, arranging, and transforming musical works. According to Vibhaw and Venkataraman, "adaptation means any arrangement or transcription of the word and this is done by adding accompaniments, new harmonies, and new rhythms including tracing it for different musical forces." In carrying out adaptations, cover actors need intellectual intelligence so that in Article 40 Paragraph (1) letter n jo Article 40 Paragraph (2) of the Copyright Law protects adaptation, arrangement, modification, and transformation activities into new copyrighted works as long as they do not reduce copyright on creation. original. Not reducing the copyright of the original work according to the author is not interfering with the reasonable interests of the creator, in this case not violating the moral and economic rights of the creator. Or in other words, the moral rights and economic rights of creators are not lost. What is meant by the reasonable interests of the creator are interests that are based on a balance in enjoying the economic benefits of a work.

Sixth and seventh, namely performing music works by parties other than those who are given the right to perform by the creators and communicating them through social

media such as YouTube, Twitter, Instagram, and so on. If this is not accompanied by permission from the creator, then this activity violates the economic rights of the creator.

Based on the explanation above, song covers have the potential to violate copyright because they have violated moral rights and exercised the economic rights of creators or copyright holders. But on the other hand, copyright is known as the Fair Use Doctrine which causes copyright not to be fully owned by the creator or copyright holder. Cover songs on social media do not violate copyright as long as they do not interfere with the reasonable interests of the creator or copyright holder. An explanation of the fair use doctrine will be explained in the next section.

Cover Version as a Form of Song Copyright Violation According to Law Number 28 of 2014 Concerning Copyrights in Decision Number 910 K/Pdt.Sus-HKI/2020

Morally, a form of copyright infringement on songs is without the permission of the creator, doing: (UUHC, No. 28 TAHUN 2014)

- 1) Do not include the name of the creator in connection with the use of his work
- 2) Doing distortion, mutilation, and modification of works or anything that causes losses in the form of reduced honor and reduced reputation of the creator.

From an economic point of view, the form of copyright infringement on songs is commercial and without the permission of the creator, doing: (UUHC, No. 28 of 2014)

According to the article above, it can be seen that what can be known as a violation of a work of creation is if:

- 1) There is exploitation (distribution, duplication, and distribution) of a work that is protected for the commercial purpose of a copyrighted work without permission or obtaining a license from the owner or his heirs. This includes plagiarism.
- 2) Elimination of the creator's identity in his work.
- 3) Exchange or modification of the creator's identity in works made without the permission of the copyright owner.
- 4) Modify or change the title of a work without the permission of the creator or his heirs.

In article 98 paragraph (1) it is explained that the Transfer of Copyright to all Works to other parties does not reduce the rights of the Author and his heirs so that they can sue anyone who deliberately and without the rights and without permission of the Author who violates the moral rights of the Author according to as referred to in Article 5 paragraph (1).

In article 99 paragraph (1) it is stated that "The creator, copyright holder or owner of related rights has the right to file a lawsuit for compensation to the Commercial Court for violations of copyright or related rights products."

Even though copyright has a special or special character, it does not mean that it is without restrictions. As a general rule, these limitations are stipulated in the articles of law as is the case with other property rights, but at certain points, these restrictions are also subject to more important purposes. In general, the use of copyright in a particular work is considered significant for the public interest, its use is limited so that an equal harmony arises between private and public interests.

Article 26 of the Copyright Law states several limitations on copyright protection, in which the protection does not apply to several points, namely:

- 1) The use of short excerpts of Works and or Related Rights products for reporting actual events is intended only to provide actual information
- 2) Reproduction of Works and or Related Rights products is only for the benefit of scientific research

- 3) Reproduction of Works and/or Related Rights products is only for teaching purposes, except for performances and Phonograms that have been Announced as teaching materials; and
- 4) Use for educational and scientific development purposes which allows a Work and/or Related Rights product to be used without permission from Performers, Phonogram Producers, or Broadcasting Institutions.

In terms of restrictions on the use of copyright or the Anglo-Saxon system better known as Fair Use, articles 43 and 44(1) letter a of Law Number 28 of 2014 provide several limitations which are actions that are not a form of copyright infringement, covering the following:

- 1) Announcement, distribution, communication, and/or duplication of the state emblem and national anthem according to their original nature
- 2) Announcement, distribution, communication, and/or duplication of all things done by the government or on behalf of the government unless stated to be protected by laws, statements on the said copyrighted work, or when the said copyrighted work is announced, distributed, communicated, and/or doubling
- 3) Retrieval of actual news, either in whole or in part from news agencies, Broadcasting Institutions, newspapers, or other similar sources with the determination of the source must be mentioned in full, or
- 4) Production and distribution of copyrighted content through information and communication technology media that are non-commercial in nature and/or the creator or related party who benefits, or the creator of the work says he has no objection to the creation and distribution of the created content.
- 5) Reproduction, announcement, and/or distribution of portraits of the President, Vice President, former President, former Vice President, National Hero, heads of state institutions, heads of ministries or non-ministerial government agencies, and/or regional heads concerning dignity and fairness according to the rules Constitution.

If a copyrighted work, especially art or literature, is widely accepted and liked by the public, then this gives a sense of pride and satisfaction to the creator. (Hamzah, 2017) In essence, there are two important points in moral rights, namely:

- 1) The right of recognition of the work, namely the right that comes from the creator to be announced as the creator of his creation, so that no other party can claim the work of creation.
- 2) Integrity rights, namely rights that cannot be contested and the right to submit objections to the deviation of the creator's work or other modifications or actions that can degrade the quality of the copyrighted work (Margono)

Any person who produces a cover of a song by covering a song belonging to someone else then publishes it on a social media network such as YouTube. Fundamentally, the Copyright Law is not familiar with the terminology of cover, but with the terminology of duplication, which is implicit in the provisions of Article 1 number 12 of the Copyright Act, which reads: "Reproduction is the process, act, or method of duplicating one copy of a work and/or a phonogram. or more in any way and any form, permanently or temporarily."

In the case of this study, the form of copyright infringement committed by Halilintar Anofial Amid and Lenggogeni Umar Faruk as the Defendant was without permission and without affixing the name of the creator or copyright holder:

- 1) Without permission to modify the Work by changing the lyrics of the song Lagi Syantik in the Defendant's version.

- 2) Without permission, committing an offense in the form of fixing and duplicating the results of modifications to Plaintiff's copyrighted work, by recording the sound (making a music master) of Defendant's version
- 3) Without permission, recording images and/or loading the Defendant's version of the song Lagi Syantik Video Clip and communicating the creation via the Gen Halilintar YouTube account belonging to the Defendant without affixing the name of the creator or copyright holder (Transmission of work via cable or other media other than broadcast media, so that it can be accepted by the public) and then distribute the defendant's version of the song creation, namely by circulating and or distributing the creation and or Related Rights product which results in distortion of the copyrighted work.
- 4) Deliberately omitting information on the name of the Author or Copyright Holder by Article 7 paragraph 3 of Law Number 28 of 2014 concerning Copyright.

To see if a song falls under the category of copyright infringement and the cover version phenomenon, please refer to Section 44.1 Clause Elements. A copyrighted work and/or related rights product is termed copyright infringement if it is in whole or in part proper and the source is noted or otherwise fully and fully included. not.

- 1) Which does not harm the reasonable interests of the Author or Copyright Holder in terms of Education, research, writing of scientific works, preparing reports, writing criticism, or reviewing a problem
- 2) Security is also the administration of government, legislature, and judiciary
- 3) Lectures that are only for education and knowledge, or
- 4) With the provision that it will not cause harm to the Author's reasonable interest in the Show or performance which is free of charge.

The elements in these articles relate to interests in making cover versions of songs, including detailed sources, not harming the reasonable interests of the creator, and not for the sake of commercial interests.

About publication via social networks, it is also important to pay attention to the points contained in the provisions of Article 43(d), which is not a form of copyright infringement if the production and publication of copyrighted content through social networks with information and communication technology that are non commercially and or in nature the Creator or the party concerned benefits, or as long as the Creator does not object to the act of producing and publishing said content. It can be concluded that re-singing other people's songs without the permission of the creator, or the consent of the rights owner of the commercial nature, is considered an act of copyright infringement so when an individual wants to publish another person's copyrighted work that is commercial in nature, in a modified form, arranged, and or sung again, it is necessary to obtain permission from the creator or related rights holder. As long as the cover version of a song does not complete all the elements contained in Article 43 and Article 44, then it is not a form of copyright infringement.

Denial of economic rights and moral rights can degrade the motivation of Creators and Related Rights owners to continue to create and innovate. The erosion of creator motivation will have a major impact on the decline of large-scale creativity in Indonesian society. Reflecting on developed countries, it was found that adequate protection of copyrights has succeeded in significantly advancing the growth of the creative economy and providing real participation for the economy and people's welfare.

In the decision at the first level, namely in decision number 82/Pdt.SusHak Cipta/2019/PN.Niaga.Jkt.Pst. The judge gave several basic considerations in making his decision, namely:

Considering that based on the evidence submitted by each party as mentioned above, and linked to the statements of the witnesses or the opinions of experts at the trial, the panel of judges will consider the following grounds:

Considering that as evidence of P-2 Certificate/Recording Letter No. EC00201994884 with the date of application July 5, 2019, the title of creation: Lagu Syantik, which was announced for the first time on the twenty-third of March two thousand and eighteen in Jakarta, with the registration number 00145341 issued by the Minister of Law and Human Rights Directorate General of Intellectual Property, it is proven that the plaintiffs have exclusive rights that are protected by law. Besides that, as based on Article paragraph (1) of Law Number 28 of 2014 Concerning Copyright, copyright is an exclusive right that appears automatically based on the declarative principle of the creator after the copyrighted work is manifested in tangible form without reducing the limitations by the provisions of the law.

Considering, there has been a court fact that the actions taken by the Defendants were a cover of the song "Lagi Syantik" created by the Plaintiffs and was carried out without the permission of the Plaintiffs. This is by evidence P-1. Then the cover recording of the song "Lagi Syantik" was circulated via YouTube media by the defendants as evidenced by P-18. The Defendants still include the word Cover and include the title of the song "Lagi Syantik".

Considering that covering songs or re-singing songs belonging to famous artists or singers with versions of our voices with or without musical accompaniment is currently being carried out by many Indonesian people through the YouTube application. This can be seen through evidence T-1.2.7 in the form of a collection of covers for the song "Lagi Syantik". Where through this evidence it was not only the defendant who covered and changed the lyrics of the song "Lagi Syantik", but many others as well.

Considering that on the basis that cover songs are currently a trend in society, both at home and abroad. So to find out whether the cover of the song "Lagi Syantik" violates the law, the Panel of Judges returned to Law No. 28 of 2014 concerning Copyright were to protect copyright owners, the court can impose compensation as regulated in article 1 paragraph (25) Law Nomor 28 of 2014 concerning Copyright which reads: "Compensation is the payment of an amount of money charged to perpetrators of violations of the economic rights of creators, copyright holders and/or related rights owners based on court decisions in civil or criminal cases that have permanent legal force over losses suffered by Authors, Copyright Holders and/or Related Rights owners."

Considering, that to strengthen the purpose of making the cover for the song "Lagi Syantik" coming from a subscriber, at trial the defendants submitted evidence T-1.2.8 in the form of a printout of requests from fans. And buti T-1.2.10 the flash disk contains collective evidence of a YouTube link covering a more beautiful song and a subscriber's request to GEN HALILINTAR to cover the song.

And at this cassation level, the Judge again decided to reject the Plaintiff's application, with the decision: Rejecting the cassation request from the Cassation Petitioners, namely as follows:

- 1) PT NAGASWARA PUBLISHERINDO or better known as NAGASWARA, YOGI ADI SETYAWAN which is also better known as YOGI RPH, PIAN DARYONO which is also better known as DONALL;
- 2) To punish the Cassation Petitioners to pay court costs at the cassation level in the amount of Rp. 5,000,000.00 (five million rupiahs).

By doing cover activities, it is possible to upload them to online social media. What about the commercial system, are their advertisements in the uploaded cover, if there are no advertisements then it is social, if there are advertisements it means that he takes every commercial activity from the upload process. When there is an upload and the upload is known by the creator it is also a kind of approval for covering activities. What's more, it turns out that the creator already gets by the royalty distribution system the results of the collection from the cover. WAMI (Wahana Musik Indonesia) must collect and distribute royalties. The form of distribution that is known to the creator, that there is a second, third and subsequent covering activity, and that generates revenue is one form of approval, especially if he has received royalties.

In the judge's consideration of the testimony of witnesses from the respondent who stated that the purpose of making the cover of the song Lagi Syantik came from a subscriber's request so that it could be seen and enjoyed by people of all ages, this is also not quite right. This is because, even though the original purpose of making a cover version of the song Lagi Syantik was the goal, as said by the witness, it was still modifying the song in the form of covering other people's songs, fixing the creation and then communicating the creation, without asking permission first, and eliminating the name of the creator or copyright holder is related and commercialized, this, of course, violates the exclusive rights of the creator. It is inappropriate to do from a moral standpoint. The law does not prohibit covers from being made by any party as long as the motive for making them is whether they comply with the law and have good intentions or not. In making cover songs, it is mandatory to pay full attention to the rights of the creators whose works are used. Song cover creators must pay attention to the moral rights of the creator, both when the song cover becomes a commercial or non-commercial work.

CONCLUSION

The use of copyrighted songs and/or cover songs on social media networks is not a violation of moral rights if it is done not for commercial purposes and changes are not made to the creation according to the provisions of Article 8 UUHC, but it is an act that violates economic rights if used for commercial activities without permission from the Author or Copyright Holder as according to the provisions of Article 9 UUHC. Second, legal protection for creators of copyrighted songs and/or music that is sung (cover songs) on social media networks can be carried out through legal action, namely through arbitration or court dispute resolution Article 95 Paragraph 1 UUHC through civil lawsuits submitted to the Commercial Court and criminal charges filed with the District Court, as well as through other actions through features provided by social media networking sites such as YouTube Content ID and content identification on Soundcloud so that content that violates copyright can be closed.

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