

Legal Protection of the Remix of the Song "Rayuan Perempuan Gila" Monetized on Instagram Music



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ABSTRACT: As the development of the internet is increasingly advanced, it has both positive and negative impacts. The negative impact is the rampant copyright infringement of a song that is changed (remix sped up) and monetized for personal gain by irresponsible people. One example is the song "Rayuan Perempuan Gila" owned by singer Nadin Amizah. This is very detrimental to the copyright owner or the singer. Thus, this study is intended to analyze the identification of forms of copyright infringement and how the form of legal protection of copyright holders on the song "Rayuan Perempuan Gila" which is changed (Remix Sped Up) and monetized on Instagram Music. The research method used in completing this thesis is the type of normative juridical research, which is an effort to study the rule of law as written. The data collection technique is done with Library Research. The results showed that the owner of the rights of a work gets exclusive rights, namely rights that are only intended for the creator. As well as having protection as a form of appreciation of intellectual property. In case of copyright infringement, the creator can make efforts to resolve the dispute by asking for compensation or reporting criminally.

KEYWORDS: Copyright Violation; Legal Protection; Sped Up Remix Song

INTRODUCTION

The widespread development of the internet has a bad impact in influencing changes in people's behavior in carrying out their activities. With the continuous development of technology, it causes renewal, development, and problems that occur in society. With the internet, people can easily access various forms of information development, for example in the form of visual and audio artwork in the form of songs. The advancement of internet development also affects the progress of digital platforms. These digital platforms include Instagram, Spotify, Youtube, Tiktok, Twitter, Whatsapp and other (Hikmatul et al 2023: 98). Instagram social media is an application that is currently popular, especially among young people. Currently there is an Instagram music feature which is used by users to accompany uploaded photos or videos. With this feature, it gives a more attractive impression and makes the content better to look at. With the advancement of the internet, it also has a bad impact. This is due to the rise of problems related to copyright infringement. Copyright is one of the various intellectual property rights owned in Indonesia. These intellectual property rights consist of Copyright, Patent Rights, Trademark Rights and Geographical Indications, Trade Secret Rights, Integrated Circuit Layout Design Rights, and New Plant Variety Rights (Tomi Suryo et al 2020:3). As stipulated in Article 1 of Law No. 28 of 2014 on Copyright, copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in real form without reducing the restrictions in accordance with the provisions of laws and regulations. Arrangements regarding songs are included in the realm of protected Intellectual Property as stated in Article 58 letter (d) of Law Number 28 of 2014 concerning Copyright, namely copyright protection for song or music creations with or without text. The Copyright Law regulates the protection of songwriters who have the right to economic rights from their creations. This economic right is needed as a form of appreciation or value for the creativity of his creation in the form of a song that can be enjoyed by the Public or people when listening to it. This means that the creator is entitled to the economic rights of the song enjoyed by the community (Habi Kusno, 2016)

Intellectual property rights are not only economic rights, but also moral rights. Moral rights, as described in Article 5 Paragraph (1) of the Copyright Act 2014, is a right that belongs to the creator forever. This right is inalienable and entitles the author to determine whether or not his name will appear on public copies of his work. In addition, moral rights include the use of the creator's pseudonym, modifications that conform to social norms, changes in titles and subtitles, as well as the protection of his rights against distortion, mutilation, modification or acts that are detrimental to his integrity or reputation. Moral rights also apply to the performer and are permanent, even if the economic rights have been transferred. This means that the performer retains the rights to the entire work, even if the economic aspect has been passed on to another party. Moral rights are defined as an inseparable link between the

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work and the identity of the creator, or as a unity that reflects the wholeness of the creator. Moral rights involve the ability to include the creator's name in the work and to have the right to change the title and/or content of the work. As moral rights are non-transferable, they are always closely linked to the character and principles of the creator (Ferol Mailangkay, 2017:138).

Nowadays, songs have an important role in various events as a source of entertainment or even as a source of economic income. With the rapid advancement of information technology, there has been a significant transformation in human life, especially in the context of the emergence of new legal relationships (Zidney et al, 2018). With the development of sophisticated technology, song and music broadcasting media has gone beyond the boundaries of television and radio, now penetrating into the realm of the internet. In order to optimize the utilization of copyrighted works in the music sector, creators, performers, and sound recording producers utilize the internet as a platform to publish and benefit economically from their work.

By uploading songs on the internet, there are both positive and negative impacts. The positive impact is that it allows the whole community to access and enjoy the work, while the creator can promote the song. However, the negative impact involves people enjoying the song and then re-uploading it with modifications to create a new work. This can be misused for personal gain, such as piracy and profiting from other people's song uploads. As a result, everyone can take advantage of a song's copyrighted work without thinking about ideas, arranging lyrics, verses, melodies, and rhythms, without paying royalties to the original songwriter. This is a copyright violation that harms the copyright holder of the song.

Copyright infringement is the use of songs from creators and legitimate copyright holders where the song is changed (remix sped up) and uploaded with the aim of being commercialized or monetized for personal gain. This is very detrimental to the creator and copyright holder of the song. As happened to the song "Rayuan Perempuan Gila" owned by an Indonesian singer named Nadin Amizah, whose song was changed (remix sped up) and uploaded on the Instagram music platform and monetized for personal gain by irresponsible people. As reported by the Kumparan.com page (2023), Nadin Amizah, the owner of the song, expressed her anger at the copyright infringement.

The incident is a form of copyright infringement in which the copyright infringement provides material losses and Immaterial losses for the singer or owner of the song. The material loss is the absence of royalties for the singer or copyright owner of the song. As for immaterial losses can be in the form of forgotten the singer or the original owner of the song. (Nanda Jala Sena et al, 2022: 65). There is a principle of automatic protection which means that a copyrighted work is realized by the creator, then from that moment automatically copyrighted works have copyright and get protection legally (Muhammad Djumhana, 2007:12). Therefore, researchers are interested in discussing "Legal Protection of the Remix of the Song "Rayuan Perempuan Gila" Monetized on Instagram Music".

MATERIALS AND METHODS

This article uses normative juridical research methods. Normative juridical legal research is a type of legal research that focuses on the study of laws or regulations - invitations as a basic norm that has relevance to the problem as a legal source material (Soerjono&Sri, Cet. XVI, 2015:14). Normative Research according to Prof. Soerjono Soekanto, Normative Legal Research is legal research conducted by examining library materials or secondary data (Soerjono&Sri, 2013:13). The types of approaches used in this article are conceptual research approach and case study approach. The statutory approach is carried out by examining all rules and regulations related to the legal issues discussed (studied) (Peter, 2011:94). In research with a conceptual approach, the aim is to analyze legal materials so that the meaning contained in legal terms can be known (Hajar, 2015:21). The case approach in normative research aims to understand the implementation of legal norms or rules in legal practice, especially related to cases that have been decided as documented in jurisprudence on cases that are the focus of research (Hajar, 2015:321). Normative legal research uses secondary data, namely data obtained indirectly or through books, books, and other documents. The general characteristics of secondary data according to Soerjono Soekanto are in a ready-made state, and can be used immediately (Hajar, 2015:181). Secondary data consists of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials consist of the 1945 Constitution, Civil Code, Law Number 28 of 2014 concerning Copyright. Secondary legal materials that further elaborate on primary legal materials (Peter, 2018:52). For example, law books, journals, and previous studies that are in line with the problems that the author examines. Tertiary Legal Materials, namely legal materials that also provide information on primary and secondary legal materials, which can be found from magazines, dictionaries, encyclopedias, the internet, and so on (Zainudin, 2018:106).

RESULT AND DISCUSSION

Identification of the Form of Copyright Infringement of the Remix of the Song "Rayuan Perempuan Gila" Monetized on Instagram Music

Instagram Music is a feature on the Instagram platform that allows users to insert song segments into their video Stories Uploads. Users can listen to Instagram Music by clicking on the Stories that are being displayed. This feature can be found through the Sticker option in the Stories menu (Kevin&Reska, 2023). In the problem of changing the song into a sped up remix and uploaded on Instagram Music is one concrete example of direct copyright infringement. This is because the uploaded song uses the original song creation without permission and is changed (remix sped up) so as to change the meaning of a song. Songs are one of the

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creations protected by the Copyright Act, as referred to in Article 40 paragraph (1) letter d, stating that "Protected creations include creations in the fields of science, art, literature, consisting of: songs and/or music with or without text". Then in the perspective of the rights of song copyright license holders mentioned in Article 1 number 4 of the Copyright Act, namely "Copyright holders are creators as copyright owners, parties who receive further rights from parties who receive these rights legally". According to the Copyright Act, copyright holders of songs have exclusive rights to the creator, as referred to in Article 1 paragraph (1): "Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a creation is realized in real form without being reduced according to the legislation".

According to the Copyright Act, individuals who own copyrights have two types of rights, namely moral rights and Economic rights to their works. Activities such as remixing a song fall under arrangement, and if the arrangement violates the moral rights of the creator, it is considered copyright infringement. Moral rights include non-economic rights attached to the creator of the work, as stipulated in Article 5 Paragraph (1) of the Copyright Act. These moral rights enjoy legal protection in many jurisdictions that recognize the importance of maintaining the honor and integrity of artistic works. A remix of a song that has the potential to damage the reputation or denigrate the original work or its creator can be considered a violation of moral rights. Meanwhile, economic rights are governed by Article 8 of the Copyright Law which states that economic rights are the exclusive rights of the creator or copyright holder to obtain economic benefits from his/her work. It should be noted that the economic rights remain with the creator or copyright holder, and they cannot fully transfer their economic rights to the copyrightee (Nabila&Rianda, 2023: 1067). In the context of using music on Instagram, there are at least two methods to utilize the economic rights to a song, namely through the announcement (performing rights) and arrangement or transformation (mechanical rights). Performing rights are used when someone uses a work of authorship, such as singing, playing, or listening to a song for commercial purposes. Meanwhile, the arranging or transforming rights (mechanical rights) include the right to create a new song by transforming an existing song into a work of a different genre. In order to take advantage of the economic rights of a work of authorship, both the performing rights and the mechanical rights, the party who wants to use the song must obtain written permission in the form of a license. This license is granted by the copyright holder or creator in question to other parties, enabling them to exercise economic rights over the work or related rights products, in accordance with specified conditions. In addition, the party using the song is required to pay compensation in the form of royalties to the creator or copyright holder as a token of appreciation for the use of the work (Nabila&Rianda, 2023: 1067).

With the increasing popularity of using remixed songs in video content on Instagram Music, there is potential for copyright infringement. Indicators of copyright infringement of remixed songs that can be observed on the Instagram Music platform include:

1. Arranging a song without the direct permission of the creator or copyright holder is a violation of the economic rights attached to the work. The right to arrange songs should only be owned by the creator or copyright holder, or by a party who has received official permission from the creator.
2. Arranging a song in a genre contrary to that of its creator may be considered a violation of moral rights. Moral rights, which include non-economic aspects, including the right to maintain the integrity of the work, may be jeopardized if the song is arranged in a way that damages the original image or essence of the creator.
3. Unauthorized use of remixed songs for commercial purposes is a serious copyright infringement. Remixing a song without permission for commercial purposes incurs legal consequences as it involves unauthorized use of the work, financially harming the copyright owner and undermining their exclusive rights.
4. The distribution of remixed songs without the permission of the original creator is a significant copyright infringement. In the context of Instagram Music, sharing a video with a remixed song that infringes copyright may be considered illegal distribution of the work without the consent of the copyright owner.
5. Not giving adequate credit or ignoring the moral rights of the original creator can threaten the existence and reputation of the creator. Moral rights, including the right to be recognized as the creator, should be respected by giving adequate credit when using remixed songs, so as not to threaten the existence and reputation of the original creator.

(Nabila&Rianda, 2023: 1067)

In addition to being regulated in the Copyright Act, arrangements regarding copyright infringement can also be reviewed From the ITE Law. Copyright infringement regarding the alteration of songs (remix sped up) can be associated with the Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), hereinafter referred to as the ITE Law. One of them is in Article 25 of the ITE Law, which states: "Electronic Information and/or Electronic Documents that are compiled into Intellectual works, internet sites, and intellectual works contained therein are protected as Intellectual Property Rights based on the provisions of the Laws and Regulations".

Copyright song works are included in the criteria included in Electronic Information or Electronic Documents as stated in the ITE Law, namely Article 1 Paragraph (4) which states that "Electronic Documents are any Electronic Information created, forwarded, sent, received, or stored in analog, digital, electromagnetic, or the like, which can be seen, displayed, and/or heard through a computer or electronic system, including but not limited to writings, sounds, images, maps, designs, photographs or the like, letters,

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signs, numbers, access codes, symbols or perforations that have meaning or meaning or can be understood by people who are able to understand them".

So as stated in Article 1 Paragraph (4) of the ITE Law, it can be concluded that electronic documents that include sound And images such as songs are creations protected by the ITE Law. In the event of copyright infringement, Article 26 paragraph (2) of the ITE Law applies which states that: "any person whose rights are violated as referred to in paragraph (1) may file a lawsuit for losses incurred under this Act."

Therefore, if a copyright infringement is committed by changing the song into an accelerated remix and then monetizing it for personal gain, the perpetrator can be sentenced to imprisonment or compensation under the criminal and civil laws applicable in Indonesia.

Forms of Legal Protection for Copyright Holders of the Remix of the Song "Rayuan Perempuan Gila" Monetized on Instagram Music

Various issues related to Copyright involve various fields such as technology, industry, social, cultural, and other aspects. However, the most crucial aspect in the context of protecting intellectual works is the legal aspect. The presence of law is expected to handle all the problems that arise around the Copyright. The main focus of the law is to provide effective protection of intellectual works, with the aim of encouraging the development of community creativity and ultimately ensuring success in protecting copyright (Dedy, 2018: 4). In the context of copyright ownership, the law plays a role in providing guarantees to creators to own and enjoy their works exclusively. The law can also involve support from the state to enforce these rights. Therefore, legal protection has great significance for Copyright Owners, both as individuals and groups, as subjects of rights who are entitled to limit the prominence of individual interests. Thus, the role of law provides the necessary certainty to safeguard the interests of society (Landsey, 2006:59). Legal protection according to CST. Kansil is an action from the state to provide a sense of security, both physical and Non-physical, to citizens from any potential threat (Kansil 2018, 40). Legal protection is given to all Indonesian citizens without any distinction to ensure the equality of every citizen's rights. Legal protection of copyright aims to make individuals who have intellectual abilities in society have the spirit of creating works that can be useful for the progress of the nation. The creators of a work is expected to be protected by the Copyright Act, it is expected that with the law the copyright owners are not worried about the status of his creation (Jais, 2020:9). Copyright protection of digital works is the recognition of exclusive rights to provide incentives for creators who express them through digital media (Burk: 712).

Copyright owners or singers of a song have exclusive rights to the song creation consisting of moral rights as stipulated in Article 5 of Law No. 28 of 2014 on Copyright and and economic rights as stipulated in Article 9 of Law No. 28 of 2014 on Copyright. With these exclusive rights, the copyright owner or singer of a song has the right to be able to regulate the granting of permits or licenses to a party who will use the economic rights of a song and / or music creation.

The government has a strategy in addressing the problem of copyright infringement, this can be done with 2 steps, namely Preventive and repressive steps:

a. Preventive Legal Protection

Preventive legal protection aims to prevent disputes, which directs government action to be careful in making decisions based on discretion, and repressive protection aims to resolve disputes, including handling them in the judiciary.¹ Forms of legal protection of copyright songs or music that are preventive or preventive are regulated in Law Number 28 Year 2014 on Copyright. As stipulated in Article 54 of Law No. 28 of 2014 Concerning Copyright, it provides a solid basis for the Minister of Communication and Information Technology in its efforts to prevent and eradicate copyright infringement that occurs through the internet media. Article 54 of the Copyright Act provides for measures to prevent infringement of copyright and related rights by means of information technology. In accordance with the provisions of Article 54 of the Copyright Act, the government has the authority to:

1. Supervise the creation and dissemination of content that violates copyright and related rights.
2. Establish cooperation and coordination with various parties, both at home and abroad, to prevent the creation and dissemination of content that violates copyright and related rights.
3. Supervise the act of recording using any media of works and related rights products at the place of performance.

Thus, Article 54 of the Copyright Act establishes the authority of the government in order to protect copyright and related Rights through supervision, cooperation, and preventive action against infringement of these rights, especially in the context of information technology and internet media.

According to the explanation contained in Article 54 of the Copyright Law, the term "content" refers to the substance of a copyrighted work that is available in various media. One form of content distribution involves uploading through internet media platforms.

Article 55 of the Copyright Law states:

1. Any Person who is aware of the infringement of Copyright and/or Related Rights through an electronic system for Commercial Use may report to the Minister.
2. The Minister verifies the report as referred to in paragraph (1).

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3. In the event that sufficient evidence is found based on the results of verification of the report as referred to in paragraph (2), at the request of the reporter, the Minister shall recommend to the minister who organizes government affairs in the field of telecommunications and informatics to close part or all of the content that infringes Copyright in the electronic system or make electronic system services inaccessible.
4. In the event that the closure of the Internet site as referred to in paragraph (3) is carried out in its entirety, within a maximum period of 14 (fourteen) Days after the closure the Minister shall request a court order.

Article 56 of the Copyright Law also stipulates:

1. The Minister who organizes government affairs in the field of telecommunications and informatics based on the recommendations as referred to in Article 55 paragraph (3) may close content, and/or user access rights that violate Copyright and/or related Rights in electronic systems and make electronic system services inaccessible.
2. Further provisions regarding the implementation of the closure of content and/or user access rights that violate Copyright and/or Related Rights in electronic systems or make electronic system services as referred to in paragraph (1) shall be stipulated by a joint regulation of the Minister and the minister whose duties and responsibilities are in the field of communication and informatics.

Thus, the Copyright Act covers the need to protect copyright in the internet environment. Therefore, the Ministry of Communication and Information Technology (MOCI) is expected to take a more active role in the protection of sites that provide free song download services. This law, which is regulated under Law No. 28 of 2014 on Copyright, specifically emphasizes and affirms infringements committed by parties who intentionally obtain profits without the permission of the creator of the work.

b. Repressive Legal Protection

Repressive legal protection is the last protection if a legal dispute has arisen that can be subject to sanctions such as imprisonment, compensation, and or other additional penalties provided for in the Law (Muchsin, 2003:20). As stipulated in Article 1365 of the Civil Code which states that "every unlawful act that brings harm to another person, obliges the person who through his fault causes the loss, to compensate for the loss".

From these provisions, it can be seen that in order to achieve a strong basis for filing a lawsuit on the basis of unlawful Acts, it is necessary to fulfill the conditions or elements that characterize unlawful acts. In the context of copyright infringement, in accordance with Article 1365 of the Civil Code (KUHPerdata), it is expected that the application of sanctions as a legal remedy that can be applied to respond to such infringement, which consists of:

1. Determination of compensation against the party deemed to have committed an offense;
2. Stopping the implementation of activities such as reproduction, distribution, and sale of illegal (pirated) creations that are the result of copyright infringement;
3. Confiscation and elimination of illegal goods that are the product of copyright infringement.

Repressive legal protection aims to resolve conflicts that have arisen previously, particularly in the context of disputes that may arise between the Creator or Copyright Holder and Third Parties. When disputes are proven to occur, mechanisms are in place to deal with the matter, allowing aggrieved parties to file a lawsuit to achieve a speedy resolution. With the complaint filed by the Copyright Holder regarding the unauthorized remix of the song to the remixer and to Instagram Music as the hosting platform, it is hoped that settlement action will be taken immediately to address the issues raised.

Through the Instagram Help Center, accessed on December 31, 2023, at 00:17. Instagram Music has a procedure regarding how to report copyright infringement. The steps that can be taken are: ²

1. Identify the Infringement

In reporting copyright infringement, it is important to first have sufficient evidence to prove that copyright infringement has occurred. This can be done with layer captures, links, or detailed information regarding the infringement.

2. Submit an Infringement Report

Can be done by filling out the form that Instagram has provided, namely the Instagram Help Center, the reporter can report violations through Brand Rights Protection, which allows rights holders to identify and notify Instagram of content that violates trademarks, copyrights, and counterfeit goods.

3. Complete Additional Information
In filling out the form provided by Instagram, information is needed so that the report can be processed, namely:

- a) Complete contact information, including full name, mailing address, and phone number.
- b) A description of the content on Instagram that is the basis of your copyright infringement claim. Enough information to help Instagram identify the material on the Instagram site. Provide a web address (URL) that directly points to the allegedly infringing content for convenience.
- c) Fill out the Statement, that:
 - Believes in good faith that the use of copyrighted content, as described above, is without the permission of the copyright holder, its agent, or is otherwise lawful.
 - The information in your notification is accurate.

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- Under penalty of perjury, that the complainant is the owner or has authority to act on behalf of the owner of an exclusive copyright that is allegedly infringed.
- d) Electronic signature or wet signature of the complainant.

It should be noted that personal information, contact, and report details are routinely provided to the party uploading the reported content. If the report is filed as an official representative, the name of the copyright owner's organization or client in question will be included. Therefore, it is recommended to use a professional email address or a business email address.

In receiving reports, Instagram also has a standard response procedure to reports of copyright infringement received, namely:

1. Investigating and reviewing the submitted copyright infringement report, by examining the evidence provided and assessing compliance with copyright policies.
2. If Instagram considers that copyright infringement has occurred, it will take action to remove or edit content that violates copyright, in this case the sped up remix song can be removed or blocked from Instagram music.
3. the person reporting the infringement will be notified of the action taken by Instagram on their report.
4. Instagram may notify the owner of the copyright infringing account of the action taken and provide information regarding the infringement.
5. If a user continues to violate the copyright policy, Instagram may take additional action, including account restrictions or other disciplinary action.

If the copyright protection settlement made by Instagram is deemed unsatisfactory because the aggrieved party does not feel materially justified, there is an option to take additional enforcement measures. Some of the enforcement avenues that can be taken include:

1. Further Legal Review

Consultation with a legal expert regarding the settlement provided by Instagram is possible. Legal experts can provide a more in-depth legal view and assess the potential for further legal steps.

2. Alternative dispute resolution

In the context of repressive law enforcement, out-of-court or non-litigation alternative dispute resolution is an option. This approach involves methods such as mediation, negotiation, and conciliation, which can enable the resolution of disputes without involving regular court proceedings. The process of resolving disputes outside of court is often closed and provides a guarantee of confidentiality for the parties involved. The advantages of this approach include a faster and more efficient process. Out-of-court dispute resolution institutions rely on the agreement of the parties, ruling out dispute resolution through litigation in court. If these efforts fail to reach a satisfactory settlement, the creator has the right to sue and file a lawsuit for infringement of his economic rights, including a lawsuit for damages (Chelsy et al, 2021:7).

Mediation is one of the options that can be used in resolving disputes. Mediation is a form of negotiation process that aims to resolve problems by involving a neutral and impartial outsider. The outsider, known as a mediator, works with the disputants to help find a solution that is satisfactory to both parties. The mediator does not have the authority to issue decisions regarding the dispute, but his or her function is to assist and facilitate the process of reaching an agreement between the disputing parties. The success of the negotiation process in mediation depends largely on the experience, ability and integrity of the mediators involved (Munir, 2000:47).

Conciliation is an out-of-court conflict resolution mechanism that involves the presence of a third party or parties. In conciliation, the third party involved to resolve the dispute is usually a professional who has a proven track record. The role of the conciliator in the conciliation process is significant, as they have the important responsibility of detailing and understanding the essence of the problem or dispute at hand (Tris Widodo, 2016:4).

Negotiation as stipulated in Article 6 paragraph (2) of Law Number 30 Year 1999 on Arbitration and Alternative Dispute Resolution, states that "Settlement of disputes or differences of opinion through alternative dispute resolution as referred to in paragraph (1) shall be completed in a direct meeting by the parties within a maximum period of 14 (fourteen) days and the results shall be set forth in a written agreement." The term "direct meeting" as stated in the provisions of Article 6 paragraph (1) of UUAAPS indicates that the settlement of disputes or differences of opinion is carried out through a negotiation process. Therefore, it can be concluded that negotiation is an out-of-court dispute resolution method that involves the disputing parties or their representatives directly, without a third-party mediator. The parties involved directly negotiate or bargain to reach a mutual agreement.

In principle, there are several negotiation methods that are generally applied in dispute resolution through negotiation, namely (Winarta&Frans, 2011: 31-33):

- a) Competitive negotiation approach;
- b) Cooperative negotiation approach;
- c) Positional-based negotiation approach;
- d) Interest-based negotiation approach;
- e) Flexible (soft) negotiation approach; and
- f) Tough negotiation approach.

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Arbitration, as stipulated in Article 1 point (1) of Law Number 30 Year 1999 on Arbitration and Alternative Dispute Resolution is the settlement of civil disputes outside the public courts based on an arbitration agreement made in writing by the parties to the dispute. Arbitration is essentially an attempt to avoid the courts, because compared to the public adjudication process, arbitration offers a greater degree of freedom, choice, autonomy and confidentiality to the parties involved in the dispute. In the context of arbitration, parties can choose arbitrators according to their wishes, which can ensure neutrality and expertise appropriate to the dispute at hand. In addition, parties have the freedom to choose the law under which their dispute will be resolved. Arbitration proceedings tend to be more economical and have a more informal nature. By detailing these characteristics, arbitration can be interpreted as a form of dispute resolution outside the public courts (non-litigation) involving a written agreement between the parties to the dispute, involving a third party in the form of an arbitrator or arbitral tribunal as an arbiter to reach a solution that benefits all parties (win-win solution) (Rahmi, 2016:565).

3. Lawsuit consideration

Consider filing a lawsuit if the judicial review reveals a strong legal basis. This may involve damages or other legal action to enforce the copyright. The copyright owner has the right to file a lawsuit against the party committing copyright infringement to the Commercial Court or non-litigation through alternative dispute and arbitration. Regarding this matter has been explained in Article 95 of Law Number 28 Year 2014 on Copyright. In addition, it is also regulated in Article 96 paragraph (1) of Law Number 28 Year 2014 which states that: "Creators, Copyright holders and / or holders of Related Rights or their heirs who suffer losses of economic rights are entitled to compensation".

In addition to civil remedies, criminal remedies can also be taken. If there is an infringement, the Creator can take criminal action to report the infringement. And if it is proven that there is a violation, then the person who committed the violation will receive sanctions, both fines and criminal sanctions. Criminal law efforts can be done through reporting customer actions to the investigators of the Indonesian National Police (POLRI) and / or Investigators of Civil Servants of the Directorate General of IPR (Article 110 of the Copyright Law). Based on this Article, the Investigator is authorized to do:

1. Examination of the truth of the report or berenange regarding criminal offenses in the field of Copyright and Related Rights;
2. Examination of parties to legal entities suspected of committing criminal offenses in the field of Copyright;
3. Request for information and evidence from parties and legal entities in connection with criminal offenses in the field of Copyright and Related Rights;
4. Examination of books, records, and other documents relating to criminal offenses in the field of Copyright and Related Rights;
5. Search and examination of places where evidence, books, records, and other documents relating to criminal offenses in the field of Copyright and Related Rights are suspected to exist;
6. Confiscation and/or cessation of circulation with the permission of the court of materials and goods resulting from criminal acts in the field of Copyright and Related Rights;
7. Request for expert testimony in carrying out the task of investigating criminal acts in the field of Copyright and Related Rights;
8. Requests for assistance to relevant agencies to carry out arrest, detention, determination, wanted list, prevention of deterrence against perpetrators of criminal acts in the field of copyright and related rights; and
9. Termination of investigation if there is insufficient evidence of criminal offense in the field of Copyright and Related Rights.

Dispute resolution through this criminal is considered more effective when compared to civil remedies, this is because civil remedies only focus on the compensation part, while for criminal remedies very clearly provide sanctions both confinement sanctions and fines. This aims to provide a deterrent effect to the perpetrator of copyright infringement so as not to repeat his actions (Komang&I Gede, 2020:1738).

CONCLUSIONS

Remixing songs without permission and then monetizing them on Instagram Music is a serious form of copyright Infringement. This action violates the economic and moral rights of the creator and can result in legal sanctions under both the Copyright Law and the ITE Law in Indonesia. These violations include using the songs without permission, changing their meaning through remixes, and commercial use without approval, which is financially detrimental to the copyright owner. It is crucial for individuals to obtain proper permission before using and arranging songs to maintain the integrity of the creative work and avoid legal consequences.

Copyright protection, particularly in the digital and internet context, is essential for safeguarding intellectual works. The law plays a crucial role in providing exclusive guarantees to creators and copyright owners, allowing them to enjoy the results of their work and enforce their rights. Legal protection encompasses preventive and repressive measures, such as monitoring, cooperation, closing illegal content, and law enforcement through civil and criminal processes. Through cooperation among copyright owners, government, and service provider platforms, as well as awareness of the importance of recognizing the moral and economic rights

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of creators, it is hoped that an appropriate balance in copyright protection can be achieved. This will ultimately support the development of community creativity and ensure sustainability in innovation, as well as fair and effective law enforcement.

REFERENCES

- 1) Admin, Nadin Amizah Marah Lagu Rayuan Perempuan Gila Di-Remix, <https://kumparan.com/kumparanhits/nadinamizah-marah-lagu-rayuan-perempuan-gila-di-remix-20rnaVon8Rq>, accessed on 2 September 2023
- 2) C.S.T Kansil, Pengantar Ilmu Hukum dan Tata Hukum Indonesia, Balai Pustaka, Jakarta, 2018.
- 3) Chelsy Warunna Manggalatung, Dkk, Perlindungan Hukum Terhadap Suatu Karya Cipta Lagu Atas Pelaku Pembajakan, *Jurnal Lex Privatum*, Vol. 9. No. 10. Edisi September, 2021.
- 4) Dedy Cahyono, Skripsi: Peranan Penyidik Dalam Penanganan Perkara Pelanggaran Hak Cipta (Studi Kasus di Dit. Reskrimus Polda Sulsel), Universitas Hasanuddin, Makassar, 2018.
- 5) Ferol Mailangkay, Kajian Hukum Tentang Hak Moral Pencipta Dan Pengguna Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta, *Jurnal Lex Privatum*, Vol. 5, No. 4, Edisi Juni, 2017.
- 6) Habi Kusno, Legal Protection of Copyright Creator of Song Downloaded Through the Internet, Vol. 10, No. 3, Edisi Juli-September, 2016
- 7) Hajar M, Model-Model Pendekatan Dalam Penelitian Hukum dan Fiqh, Suska Press, Pekanbaru, 2015.
- 8) Hikmatul Ghaasyiyah, Sri Priyati, Hak Royalti Kekayaan Intelektual Pencipta Lagu Atas Monetisasi Lagu Remix Pada Aplikasi Tiktok (Studi Akun Tiktok Knit Story), *Jurnal Hukum dan Keadilan*, Vol. 12, No. 1, 2023.
- 9) Kevin Rizky Pratama, Reska K. Nistanto, Instagram Music Sudah Bisa di Indonesia, through <https://tekno.kompas.com/read/2021/06/23/07473707/instagram-music-sudah-bisa-di-indonesia> accessed on 28 Desember 2023
- 10) Komang Gede Pradnyan Supardi Yasa, I Gede Agus Kurniawan, Perlindungan Hukum Terhadap Pemilik Lagu Yang Lagunya Diubah Tanpa Ijin, *Jurnal Kertha Semaya*, Vol. 8 No. 11, 2020.
- 11) Konsep ini dipahami dari pendapat Dan L Burk yang menyatakan:” *Works of creative authorship have long been subject to ownership under the rubric of copyright law, which offers certain defined exclusive rights as an incentive for creation and publication of expressive works.* Dan L. Burk,” *The Mereology of Digital Copyright*,” *Fordham Intell. Prop. Media & Ent. L.J.* (Vol. 18).
- 12) Melaporkan Pelanggaran Hak Cita | Pusat Bantuan Instagram (facebook.com) accessed on 31 Desember 2023,
- 13) Muchsin. Perlindungan dan Kepastian Hukum bagi Investor di Indonesia, Universitas Sebelas Maret, Surakarta, 2003.
- 14) Muh Jais, Perlindungan Hukum Hak Cipta Lagu Pada Internet Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta, *Jurnal Ilmu Hukum*, Vol. 7, No. 1, 2020.
- 15) Muhammad Djumhana, Hak Milik Intelektual: Sejarah, Teori dan Prakteknya di Indonesia, PT. Citra Aditya Bakti, Bandung, 2007.
- 16) Munir Fuady, Arbitrase Nasional, Alternatif Penyelesaian Sengketa Bisnis, Citra Aditya Bakti, Bandung, 2000.
- 17) Nabila Khairunnisa, Rianda Dirkareshza, Indikasi Pelanggaran Hak Cipta Terhadap Lagu Remix Pada Aplikasi Tiktok, *Prosiding: 5th National Conference on Law Studies*, Vol 5, No. 1, 2023.
- 18) Nanda Jala Sena, David Tan, Tinjauan Yuridis Mengenai Remix Lagu Di Aplikasi Tiktok Berdasarkan UU Nomor 28 Tahun 2014 Tentang Hak Cipta, *Jurnal Supremasi Hukum*, Vol. 18, No 1, 2022.
- 19) Peter Mahmud Marzuki, Penelitian Hukum, Kencana, Jakarta, 2011.
- 20) Peter Mahmud Marzuki, Pengantar Ilmu Hukum, Kencana, Jakarta, 2018.
- 21) Phillipus M. Hadjon, Perlindungan Hukum Bagi Rakyat Indonesia, Peradaban, Jakarta, 2007
- 22) Rahmi Yuniarti, Efisiensi Pemilihan Alternatif Penyelesaian Sengketa Dalam Penyelesaian Sengketa Waralaba, *Jurnal Fiat Justisia*, Vol. 10, No, 3, Edisi July-September, 2016.
- 23) Soerjono Soekanto & Sri Mamudji, Penelitian Hukum Normatif: Suatu Tinjauan Singkat, Raja Grafindo Persada, Jakarta 2003.
- 24) Soerjono Soekanto & Sri Mamudji, Penelitian Hukum Normatif: Suatu Tinjauan Singkat, Cet. XVI, Raja Grafindo, Jakarta, 2015.
- 25) Tim Landsey, Hak Kekayaan Intelektual Suatu Pengantar, Asian Law Group. Ltd & PT Alumni, Bandung, 2006.
- 26) Tomi Suryo Utomo, dkk, Hak Kekayaan Intelektual Suatu Pengantar, PT. Alumni, Bandung, 2002.
- 27) Tris Widodo, Penyelesaian Secara Konsiliasi Dalam Penyelesaian Perselisihan Hubungan Industrial Menurut UU No. 2 Tahun 2004, *Jurnal Warta*, No. 49, 2016.
- 28) Winarta, Frans Hendra, Hukum Penyelesaian Sengketa Arbitrase Nasional Indonesia dan Internasional, Sinar Grafika, Jakarta, 2011.
- 29) Zainudin Ali, Metode Penelitian Hukum, Sinar Grafika, Jakarta, 2014.

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- 30) Zidney Fahmidyan, Tatty Aryani Ramli, Perlindungan Hukum Bagi Pemegang Hak Cipta Film Atas Penayangan Film Streaming Tanpa Izin Ditinjau Dari Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta, *Prosiding Ilmu Hukum*, Vol. 4, No. 1, 2018.



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