



FULFILLMENT OF RIGHTS FOR COPYRIGHT HOLDERS AGAINST THE USE OF COPYRIGHTED WORKS OF SONGS FOR COMMERCIAL PURPOSES THROUGH REMIX COVER VERSIONS ON THE YOUTUBE PLATFORM

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Abstract

Moment YouTube is one of the primadonna platforms Because most applications are downloaded by the public. However, quite a phenomenon often found exists violation of rights created in a way commercial in the form of Remix Cover Version. With thereby study This needs to be done to explain the arrangement of fulfillment rights for the holder's right to create songs used for interest commercials and liability on violation usage right to create work songs used for interest commercials via a remix cover version on the YouTube platform. Results and Discussion study This conclusion related to the fulfillment right to create a song is arranged in Constitution Number 28 of 2014 concerning the Right Which one do you create utilization work song attached right in a way exclusive from holder right create and everyone has obliged request agreement to holder right create and also give results profit commercial the in the form of royalties to the creator. If no is done, then a violation of Right Create specifically right economy is an inevitability. Next, users of YouTube are taking advantage of work songs through the remix cover version for interest commercials without the agreement of Holder Right Create, then can ask for accountability in a way civil and criminal.

Keywords: *Remix Cover Version, Copyright, Youtube.*

1. INTRODUCTION

The country's constitution has elaborate objective patriotism in Paragraph IV of the Preamble The 1945 Constitution of the Republic of Indonesia (Furthermore called the 1945 Constitution of the Republic of Indonesia) states: "*Then than That For advance well-being general*", the meaning contained is reflect that Indonesia adheres to a welfare state, namely a state that owns obligation For prosperous its people. The welfare state also coexists with the rule of law. One element of a legal state is exists protection of Human Rights, which is based on the thinking that humans, as creatures created by Almighty God one task to manage and maintain the natural universe with full devotion and full responsibility For the well-being people human beings, by their creator, were given human rights to ensure existence honor and dignity glory himself as well as harmony the environment. So in line with base thinking about protection regarding human rights, then Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia firm stated: "*Everyone has the right develop self through fulfillment need, right get an education and acquiring benefit from knowledge and technology, arts and culture, to improve quality his life and for his well-being people man*". The Soul of Provision chapter is the fulfillment Right To obtain benefits from knowledge knowledge, arts, and culture, to improve the quality his life and well-being people humans can interpret this as owned rights Because results of thinking intellectually, in the field of knowledge knowledge, art and culture are called work create so that the owner get protection For utilise results his creation.

Leave from the description that, it seems intertwined with the existing situation of using technology specifically Internet Networks. Internet development in the current era it's so significant that even changed the pattern of civilization man in a way massive. Almost all people in any part of the world moment This Certain own or use an internet network to make easier life daily. However,

that is a common public use moment This is internet access for use social media. Almost all circles use social media as a receptacle or means they in do communicate or just express themselves. Implications from the rapid development of the Internet and social media Then produced diverse types of social media, especially in Indonesia. One of the social media found in Indonesia and now middle loved by the public is YouTube. YouTube Platform is a medium in the form of a website that provides opportunities for its users to upload, watch, and share videos with users via the search menu. YouTube was founded by three former PayPal namely Chad Hurley, Steve Chen, and Jawed Karim (Arifin, 2022).

This platform is something available to facilities made as a delivery medium of information nor work forms moving images or video that can be watched by all categories of ages. Excess is what makes it an application YouTube has Lots of circles Because its users can upload all types of videos, music files, images, and clips of animation so that Can watched by everyone. Because you can be watched by all these people, a lot of users of YouTube are the ones who created this platform to source sufficient income. Even starting from its founding around 2005, YouTube has grown to become a growing platform with hurry up and get its nickname as one of the from ten products best in the world (Chandra, 2017). This matters regardless of many users this platform ie penetrates number more than 1 billion users from all over the world and is one of the many platforms visited by internet users around the world now (Muhamad Fasya Nur Arbaien, 2023).

Users on YouTube as That so is an opportunity for possible monetization to become a profit for users on YouTube, and here the moment This becomes an objective for users of YouTube or YouTubers to get profit financially from every video content they upload to YouTube. In matter This is monetization can interpreted as conversion or cashing so that YouTubers can income how to upload video creations that can be accessible to the public, then in each video content the previous ad is notified by the Party YouTube to every Youtuber so that the Youtuber gets profit economy. However, with all the convenience as well as benefits provided to users on YouTube to upload videos make and one of them is a music video artificial alone or made by a producer certain, or songs like the Remix Cover Version for a profit commercial, produce potency problem law related Right Create. At that moment, awareness in Indonesian society regarding the appreciation of rights was Still classified as low. Besides that the problem that is it turns out that Party YouTube Alone no can stop using *remix cover versions* this gives adequate protection for creators song the original, even ironically, many people do know songs that have changed in the remix cover version, no Again song originally sung by the creator.

As for one current video creation, this is going viral about music video creation, This is marked with Lots of accounts in his name account fans of artists or account idol fans (account fans page) which often also use *remix cover versions* in music videos and upload them on the YouTube platform. DJ account or account *fans page* often uploads several piece songs owned by several creators later making one creation song new like that appearance with a version *remix*. Often what is done is *remix a cover version* with the method of changing components song like lyrics and tune changed use music electronic or digital instruments also method change the tempo/beat, arranging high and low a tone, and adding an *intro* and *outro* outside version original song that, then uploaded to on the YouTube platform. (Nanda Jala Sena, 2022). Activity This clear can potentially produce problem creation, especially this remix cover version the goal is to get profit in a way commercial as there are facilities provided by YouTube is monetization. Of course what we can be certain of is when this cover version remix activity is done without existing approval by the creator song, then the disadvantaged one is the holder's right to create a song. Article 1 Number 1 Law no. 28 of 2014 concerning Right Create has firmly stated: "Rights Create is right exclusive creator emerges in a way automatic based on principle declarative after something creation realized in form real without reduce restrictions by provision regulation legislation." Thus, research This important to explain the arrangement of fulfillment Right Create to utilization work create song for interest commercial through *Remix Cover Version* on the YouTube platform as well as analyze accountability on violations committed to utilization work create song For interest commercial



through *Remix Cover Version* on the YouTube platform. Important For analyze problem This is Because Right creates is part of right riches inherent intellectual protection of the law.

2. METHOD

The typology research used in this article is normative legal research. By draft study law normative stated by many experts is as study law dogmatic, that is character directed For evaluate law positive, and pregnant element prescriptive or dimensions obey. In line with the matter, for peeling complete issue in a study, then will based on materials sourced primary law from regulation legislation and materials law secondary sourced from the literature bibliography. The approach used is approach regulation legislation and approach conceptual.

3. RESULTS AND DISCUSSION

3.1. Fulfillment Right Create to Utilization Work Create Song for Interest Commercial Through Remix Cover Version on the YouTube Platform

Identity song version creators are native-born from taste or soul as well as thinking creatively, on phenomena contemporary often camouflaged by hegemony thinking parties who are not responsible for utilizing something work for take profit in a way personal specifically in a way economy. People are often stunned by something's work resulting in songs with an alienated element creator from the original. Description of the existing reality moment is, that massive internet use has changed methods think such a society easily utilises something work song with a method change composition song the For Interest commercial without agreement from the creator song the original. Next, from the author's exploration, there are several cases of phenomenon where the creator song feels furious with the work the song is a remix cover version utilized in a way commercial, that is musician Nadin Amizah. As a musician, Nadin vents his emotions on social media because a song his creation entitled "Seduction of a Crazy Woman" was changed in arrangement with the speed-up format by individuals on YouTube. (Nabilla, 2021). Even more massive again, the format speeds up from the song "Seduction of Crazy Women". Already present on social media platforms such as TikTok and Instagram. This matter make Nadin Amizah more inflamed, because Already Certain the song utilized Forget Profit. Nadin also stated to the press, that he said that in question must have permission moreover formerly or pay royalty If wants to edit a song somebody including when changed it became a remix cover version as an appreciation for work songs written by other people. (Nabilla, 2021).

Next, an example is The account that uploaded the remix cover version of DJ Opus which has 261 videos and has been followed by around 7.12 million subscribers. DJ Opus's account was created on August 14 2017 even whole the video has Already seen as many as 615,132,892 views. Some of DJ Opus' videos a video songs with lots of remix cover versions very mix several songs Then made A song video creation new with add music electronic or digital instruments with method change the tempo/ beat, arranging high and low a tone, and add an intro and outro beyond version original song the. For example, the DJ Opus video with the title "DJ MIXURAN V1 REMIX THE LATEST MOST DELICIOUS IN THE WORLD" which was uploaded on July 4, 2023, has seen as many as 8,256,292 views therein Lots containing piece songs and cuts lyrics song from song Komang creation Raim Laode, song Not It's easy That creation Anggi Marito, song Love True created by Bunga Citra Lestari, Song Just Because you created Mario G. Klau and several another song later change the tempo or tone using music electronic become A new video creation.

Dominant from their utilize work create a song the For-profit economic gain from upload *remix cover version* and not request permission to holder right create song That's an obvious thing is violation right create. In the YouTube platform context, someone who has an account on YouTube AdSense can obtain profit that gets the fee called "monetizing" the amount inserted advertisement in YouTube video content, This is also determined by the number of viewers or

viewers of the video content. YouTube gets permission For slip ads in uploaded videos, and users will get a 45% share of advertising, while the remaining 55% For YouTube. (Riswandi, 2009).

There are several forms of violation rights classified as copyright on YouTube, among others (Rahman, 2019):

- a. Song Covers with objective commercial and without agreement owner;
- b. Live broadcast (live streaming) featuring someone else's creation ;
- c. Commercialized film piracy through YouTube;
- d. Commercialized speech composing through YouTube.

From shape the above violations, are related You can upload the remix cover version classified in the song cover. The connection with interest commercial, of course related to Economic Rights, rights economy This is interpreted as something right creator to get something to benefit the economy from work or creation. Right this can give permission or can forbid somebody To announce or multiply creation. Different from moral rights, the rights economy can move or switch from its creator to other people. However, when something the circumstances in which the work song the utilized For an interesting commercial like a remix cover version without permission of its creator, then This must become serious attention, especially in How law enters this region.

Something works Of course No so just falls from the sky, essence something work lies in wealth intellectual from the creator, and of course just important To be protected by law. Law is the crystallization of morals and values, thus matter This also includes rights to create a song, law gives fulfillment on protection something work creation For distribute award on something work creation and also giving justice as the basis of value. Furthermore, the arrangement about fulfillment right create to utilization work create song, its legal basis loaded in Constitution Number 28 of 2014 concerning Right Create. Something work or creation can fulfill his rights with the right to create if creation the generated based on the ability of intellectual man to something form real in the field of knowledge, as well as in the field of Arts, and /or also in the field of Literature. More further, related to fulfillment right create to utilization work create a song from side commercial, parties who have used creation form song belongs to someone else which has entitled create For objective look for profit, then attached obligation For do licensing moreover Formerly to creator songs and also pay a royalty to the song he used. Royalties are defined as rewards that will benefit the right economy to creation or product Where Already accepted by the owner right. Without paying royalties, using a song for endorsements without the creator's permission is categorized as violating behavior and Economic Rights.

Economic Rights are understood as something right creator to get something to benefit the economy from work or creation. Right this can give permission or got it to forbid somebody To announce or multiply creation. Different from moral rights, the rights economy can move or switch from its creator to other people. The arrangement about the right economy there is in Article 8 is: "Rights economy is Holder Right Create for on Creation right exclusive Creator or gets benefit economy". Furthermore Article 9 paragraphs (1), (2), and (3) state: (1) Creator or Holder Right Create as intended in Article 8 has right economy for do:

- a. Publishing Creation; Doubling Creation in all shapes;
- b. Translation Creation;
- c. Adapting, arranging, or transforming Creation;
- d. Distribution Creation or the copy;
- e. Show Creation;
- f. Announcement Creation;
- g. Communication Creation;
- h. Rental Creation.

Furthermore, paragraph (2) states: "Everyone who carries it out the right economy as referred to in paragraph (1) is mandatory get permission Creator or Holder Right Create ". Then verse (3) states: "Everyone who is without permission Creator or Holder Right Create forbidden do Doubling and/or Use By Commercial Creation."



Based on the provision that, then fulfillment Right Create in utilization work create song For interest commercial through *remix cover version* attached For fulfill Economic Rights of creator song. This means in song video content *remix cover version* when profit, then the result must be felt benefit its economy by the creator song as the settings there is in Article 8 is: "Rights economy is Holder Right Create for on Creation right exclusive Creator or get benefit economy".

3.2. Liability for Violations Committed to Utilization Work Create Song for Interest Commercial Via Remix Cover Version on the YouTube Platform

Development activity violation right creativity is greatly influenced by low level understanding public regarding meaning and function right creativity, attitudes, and desires for obtaining profit trade with easy way, plus with Not yet Enough built similarity understanding, attitudes and actions of the officer's enforcer law in face violation right create, is necessary factors obtain attention specifically related with violation right economy. As already explained previously, the song is one of the works protected by Rights Create, as mentioned in Article 40 Letter d of Law Number 28 of 2014 concerning Rights Create. Moment This is progress technology and information have made it easier public to create work songs and music because the demands to work create more increase. When this is the *remix cover version* It is not only done simply for for pleasure or channel hobby. Several social media users see the *remix cover version* as an opportunity to make money or get profit. Singing moderate songs while busy in public has become a common thing, but sadly almost No someone asked permission for handheld rights to create it. Especially like That DJ Opus account, finally getting profit financial without agreement from the holder right to create songs and/ or arrange music repeat.

In circumstances like this, an increasingly increasing number of people intensively do a remix cover version of something song without getting permission from its creator as if not considered a serious problem, especially If the perpetrator remix cover version gets to profit from songs that have arranged repeat. Violate right create Holder Right Create songs and/or music involves actions using repeat songs and/or arranged music without permissions, as regulated in Article 40 of Law Number 2 of 2014 concerning Right Create. Before utilizing a song or music with an objective commercial, very important to get permission moreover formerly from the creator or holder right to create. In the context law's right to create, if somebody spreads or doubles something's work without permission from the creator, then the matter is a violation law right copyright regulated by the law Right to Create. As explained in Article 1 number 5 of the Law Right Create, announce, or multiply can done through various activities like reading, broadcasting, exhibiting, selling, distributing, or spreading something work using various tools including internet media, or through other possible ways work can read, heard, or seen by others. YouTube is a platform that can monetized, attention For use every content of course needs For improved, because if of course No There is a report or No exists something confidence or conjecture happens violation right create so things to worry about is emergence loss sufficient material big on the sides Holder Right Creation, This can review in the DJ Opus account that uses *remix cover version* with method deep mash-up account YouTube his no state The same very that every content created For given part profit from every video to holder right create or institution management collective, so assessed is violation right create in a way fine with modify something song For become song new from *remix cover version* the appear right create a new song.

With the estimated profit from monetization or if commercialized through YouTube can bring profit as big as that, then to holder right create his work modified and changed become *remix cover version* will experience loss right sufficient economy big. With exists interest commercial, indeed between holder right create with perpetrator *remix cover version* a right each other contradictory even if though has to find permission from holder right create but no written, then matter This can become part from violation right creation that must be done effort law for look for justice as fair as possible. Next, related to existing violation utilization work create a song, then at the core of the part This researcher will elaborate responsibility for someone who does doubling work create songs

and so No violate right economy from the creator on use work create, then can do payment royalty from results use work create owned by holder right create original. If previously Not yet do permission or license from the creator of the song. Provision This loaded in Article 80 Paragraphs (4) and (5) Constitution about Right Creation that explains the determination magnitude royalty as intended paragraph (3) of the Law Right Creation and procedures giving royalty done based on agreement licence between holder right create or owner right related and recipient licence.

Size royalty in agreement license must be set based on prevalence applicable and fulfilling practices element justice. Then, Article 1 number 22 Constitution about Right Create explains that in developed countries, payments royalty like This are Already carried out by the Management Institute Collective (next called LMK) (*Collective Management Organizations*). LMK is an institution in the form of legal entities given non-profit power by the Creator, Holder Right Create, and/or owner Right Related To use manage right its economy in the form of collecting and distributing royalty.

The law of Copyrights in Indonesia has also been arranged regarding LMK. The existence of LMK in Indonesia, for example: Karya Foundation Cipta Indonesia (YKCI) and Wahana Indonesian Music (WAMI). Article 87 of the Law Right Create is arranged as follows:

- a. To get the right economy every Creator, Holder of Right Copyright, and owner of Right Related becomes a member of the Institute of Management Collectively so we can interesting reasonable rewards from users who utilize Right Copyright and Rights Related in the form service public nature commercial.
- b. User Right Copyright and Rights Regarding those who use it Right as referred to in paragraph (1) pay Royalties to the Creator, Holder Right Create, or owner Right Related, via Management Institute Collective.
- c. User as referred to in paragraph (1) agrees with the Management Institute a contained collective obligation to pay Royalties on rights copyright and Rights Regarding what is used.
- d. Not considered as a violation Constitution this, utilization of Creation and/ or product rights related in a way commercial by users throughout user has to do and fulfill the obligation in accordance agreement with the Management Institute Collective.

Accountability for violation is also relevant and linked to context protection law. According to Philipus M. Hadjon, Legal Protection is protection that will honor and dignity man as well as confession regarding the human rights of the subject law based on provision law from arbitrariness, which originates from Pancasila and the concept of the rule of law. Satjipto Rahardjo's opinion is that protection law exists effort to protect the interest of somebody with a method to allocate something power to her For Act in frames its interests.

4. CONCLUSION

Right Create to Utilization Work Create Song For interest commercial via Remix Cover Version on the YouTube Platform is related to Economic Rights. Related to right This has arranged fulfillment in Constitution Number 28 of 2014 concerning Right Which one do you create utilization work song attached right in a way exclusive from holder right create and for its utilization for interest commercial, then everyone is obliged to request agreement to holder right create and also give results profit commercial the in the form of royalties to the creator. If no is done, then a violation of Right Create specifically right economy is an inevitability. Responsibility for violations committed to Utilization Work Create Song For interest commercial via the Remix Cover Version on the YouTube Platform, that if use works used for interest commercial without agreement Creator/Holder Right Create, then can ask accountability in a way civil and criminal. In accountability, in a way civil, yes sued change make a loss as arranged in article 96 of the Law Number 28 of 2014 concerning Right Create and deep accountability in a way criminal arranged inside article 113 of the Law Number 28 of 2014. Furthermore, the development law rights need to be improved Again so that the arrangement about What just existing violations in the Constitution



right create becomes more purposeful and gives certainty and justice law for holder rights so that it doesn't misuse for interest commercial performers remix cover versions.

REFERENCES

- Chandra, E. (2017). Youtube, Citra Media Informasi Interaktif atau Media Penyampaian Aspirasi Pribadi. *Jurnal Muara Ilmu Sosial Humaniora*, 407.
- Darusman, C. (2017). *Perjalanan Sebuah Lagu*. Jakarta: Gramedia.
- Dewi, A. A. (2017). Perlindungan Hukum Hak Cipta Terhadap Cover Version Lagu di Youtube. *Jurnal Magister Hukum Udayana*.
- Fahila, G., & Sudjana, U. (2018). Perlindungan Karya Cipta Lagu dan/atau Musik yang Dinyanyikan Ulang (Cover Song) di Jejaring Media Sosial Dikaitkan dengan Hak Ekonomi Berdasarkan Undnag-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Acta Diurnal*, 229.
- Fikriansyah, I. (2023, Agustus 25). *Berapa Pendapatan Youtuber dengan 1.000 subscribers? Segini Nominalnya*. Diambil kembali dari detikjabar: <https://www.google.com/amp/s/www.detik.com/jabar/jabar-gaskeun/d-6176836/berapa-pendapatan-youtuber-dengan-1000-subscribers-segini-nominalnya/amp>
- Ghassiyah, H. (2021). Hak Royalti Kekayaan Intelektual Pecipta Lagu Atas Monetisasi Lagu Remix Pada Aplikasi Tiktok (Studi Akun Tiktok Knit Story). *Judiciary*, 98.
- Muhamad Fasya Nur Arbaien, E. N. (2023). Analisis Program Monetisasi Youtube Menurut Hukum Ekonomi Syariah. *Jurnal Hukum Ekonomi Syariah*, 54.
- Nanda Jala Sena, D. T. (2022). Tinjauan Yuridis Mengenai Remix Lagu di Aplikasi Tiktok Berdasarkan UU Nomor 28 Tahun 2014 tentang Hak Cipta. *Supremasi Hukum*, 64.
- Ningrat, R. A. (2020). Akibat Hukum Terhadap Pelaku Pelanggar Hak Cipta Karya Cipta Lagu Dikaji Berdasarkan Undang-Undang Hak Cipta Nomor 28 Tahun 2014 dan Copyright Act. *Ganesha Law Review*, 185.
- Prasetyo. (2017). Perlindungan Hukum Pencipta Lagu terhadap Website Penyedia Jasa Download Lagu Gratis dalam Media Internet. *Lex Privatum*.
- Rahardjo, S. (2000). *Ilmu Hukum*. Bandung: Citra Aditya Bhakti.
- Soekanto, S. (1984). *Pengantar Penelitian Hukum*. Jakarta: UI Press.
- Thalib, P. (2013). Perlindungan Hukum Terhadap Pemegang Hak Cipta dan Pemilik Lisensi Rekaman Berdasarkan Undang-Undang tentang Hak Cipta. *Yuridika*, 355.
- (2014). *Undang-Undang Nomor 28 Tahun 2014*.
- Yustisia. (2015). *Panduan Resmi Hak Cipta dari Mendaftar, Melindungi, hingga Menyelesaikan Sengketa*. Jakarta: Visimedia.