

Lisensi creative commons dalam perspektif hukum hak cipta Indonesia: Analisis kasus Susan Chang, Virgin Mobile.LLC, Virgin Mobile Pty dan creative commons = Creative commons license in Indonesian copyright law (analysis on the case of Susan Chang v Virgin Mobile, LLC, Virgin Mobile Pty and Creative Commons)

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Abstrak

This thesis discusses the legal position of Creative Commons licenses in accordance with Indonesian copyright law as regulated in Law Number 19 of 2002. This research used prescriptive analysis and juridical normative by describing research and analyzing the issues. Indonesian private law uses open system for every party to make an agreement, as stipulated in Indonesian Civil Code in Article 1338 (I). The open system means that everyone is free to create an agreement as long it fulfills the requirements to make an agreement. Law Number 19 of 2002 regulates copyright in Indonesia including license agreement; however the implementing regulation of Article 47 of the law is yet to be available. Creative Commons license agreement is a tool for on-line sharing that conforms to the copyright concept as regulated in the TRIPs Agreement. Copyright disputes can be settled through three ways, out of court settlement (alternative dispute resolution) as regulated in Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution, private method through the Commercial Court or criminal procedure. The dispute between Susan Chang v Virgin Mobile, LLC, Virgin Mobile Pty and Creative Commons in the United States for the Northern District of Texas, Dallas Division, is the first case in which Creative Commons stands as one of the Defendants.