

Pengelolaan royalti dalam bidang musik oleh lembaga manajemen kolektif kajian yuridis berdasarkan undang-undang nomor 28 tahun 2014 tentang hak cipta dan perbandingannya dengan negara lain = Royalty management of music by collective management organization juridical studies based on copyright law no 28 of 2014 and the comparison in several different countries

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Abstrak

[Penulisan tesis ini bertujuan untuk mengetahui pengelolaan royalti yang dilakukan oleh Lembaga Manajemen Kolektif berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta dan perbandingannya dengan negara lain. Permasalahan dalam tesis ini adalah bagaimana pengelolaan hak ekonomi Pencipta, Pemegang Hak Cipta, dan Pemilik Hak Terkait di bidang musik pada Industri Kreatif, bagaimana peran dan mekanisme pembayaran royalti yang dilaksanakan oleh Lembaga Manajemen Kolektif berdasarkan Undang-Undang Nomor 28 Tahun 2008 tentang Hak Cipta, dan bagaimana pengaturan mengenai Lembaga Manajemen Kolektif berdasarkan konvensi dan kerjasama perdagangan internasional serta di beberapa negara lain. Penulisan tesis ini menggunakan metode penelitian hukum normatif dengan data sekunder sebagai sumber datanya. Pengelolaan hak ekonomi Pencipta, Pemegang Hak Cipta, dan Pemilik Hak Terkait di bidang musik dapat dilakukan melalui Lembaga Manajemen Kolektif. Dalam hal pembayaran royalti yang dilakukan oleh Lembaga Manajemen Kolektif di bidang musik ditentukan dari nilai, norma, dan kebiasaan yang terjadi, baik di tingkat nasional maupun di tingkat internasional. Secara internasional, pengaturan mengenai Lembaga Manajemen Kolektif terdapat dalam Pasal 11 bis ayat (2) dan Pasal 13 ayat (1) Konvensi Bern. Indonesia, melalui Undang-Undang Hak Ciptanya yang baru telah mengatur secara tegas mengenai Lembaga Manajemen Kolektif, dimana hal ini menjadi dasar hukum yang pasti untuk Lembaga Manajemen Kolektif. Dalam hal memajukan Lembaga Manajemen Kolektif, dibutuhkan dorongan dan dukungan dari Pemerintah, sebagaimana yang terjadi di beberapa negara lainnya.]; This thesis aims to determine how the role of Collective Management Organization of Music based on Copyright Law No. 28 of 2014. The research problems in this thesis are about the exercise of economic right of The Author, Copyright Holder, and Related Rights Holder in the field of music under creative industries, the role of Collective Management Organization and how the royalty payment mechanism stipulated in Copyright Law No. 28 of 2014, and the regulation regarding Collective Management Organization according to international convention and international trade cooperation along with its regulation in several different countries. This thesis uses the normative legal research method, and the secondary data is used as its source. The exercise of economic right of The Author, Copyright Holder, and Related Rights Holder in the field of music shall be conducted by Collective Management Organization. With respect to the mechanism of royalties payment applied to the field of music is determined from the specified values, norms, and customs that occur, both in

national and international level. Internationally, the regulation regarding The Collective Management Organization contained in Article 11 bis (2) and Article 13 Paragraph (1) Bern Convention. Indonesia, through its Copyright Law has firmly regulate about Collective Management Organization, thus it becomes a definite legal basis for Collective Management Organization. With respect to develop The Collective Management Organization, it takes The Government's encouragement and support, as well as in several other countries., This thesis aims to determine how the role of Collective Management

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