

Analisis hukum terhadap pengelolaan royalti hak kekayaan intelektual dikaitkan dengan keanggotaan lembaga manajemen kolektif dalam international confederation of societies of authors and composers cisac = Legal analysis of intellectual property royalty management in relation to membership of a collective management organization in international confederation of societies of authors and composers cisac

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Abstrak

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Tesis ini menjawab pertanyaan hukum mengenai apa hak dan kewajiban LMK yang tergabung dalam CISAC, apa dan bagaimana penerapan ketentuan hukum serta sistem manajemen kolektif LMK-LMK di Indonesia, terakhir, bagaimana seharusnya penerapan ketentuan hukum bagi LMK di Indonesia agar dalam pelaksanaannya dapat memenuhi kewajibannya selaku anggota CISAC dan di sisi lain memenuhi ketentuan hukum mengenai LMK di Indonesia. Ketiga pertanyaan tersebut muncul karena dalam perkembangan hukum hak cipta di Indonesia dibentuk LMKn yang memiliki wewenang untuk menerapkan ketentuan teknis wajib bagi LMK dan di sisi lain keanggotaan CISAC terbuka bagi seluruh LMK di dunia, dengan syarat memenuhi professional rules and binding resolution.

Setelah dilakukan penelitian, disimpulkan bahwa para LMK anggota CISAC dapat melakukan reciprocal agreement dan menggunakan sarana kerjasama (CIS-Net) antar LMK, bahwa para LMK di Indonesia wajib melakukan penyesuaian terhadap sistem manajemen kolektifnya setelah di undangkannya Undang-Undang nomor 28 tahun 2014 tentang hak cipta dan setelah diterapkannya peraturan pemerintah terkait teknis kegiatan LMK (tarif karaoke), dan yang terakhir, bahwa CISAC menyatakan pada professional rules akan menghormati ketentuan hukum di negara anggota, sehingga pada intinya apabila sebuah LMK di Indonesia bergabung dengan CISAC tetap dapat menerapkan professional rules and binding resolution CISAC dengan tetap memperhatikan hukum di Indonesia.

**ABSTRACT**

This thesis answers legal questions about what are rights and obligations of a CISAC member CMO, what and how are the application of legal regulation and CMO's collective management system in Indonesia, and the last, how to properly apply legal regulation to CMO in Indonesia in order to comply with its obligation as CISAC member and in the other side also able to fulfill legal regulation concerning CMO in Indonesia. Those three questions occur because in the development of copyright regulations in Indonesia, it is formed LMKn which has authority to apply mandatory technical regulation to CMO and in the other side CISAC membership is open to all CMO around the world, with prequirement a CMO must fulfill professional rules and binding resolution.

After conducting research, it is concluded that CISAC member CMOs are able to create a reciprocal agreement and use cooperation facility (CIS-Net) between CMO, second conclusion is CMOs in Indonesia are obliged to adapt their own collective management system after the Govrment issued the new Copyright

Law number 28 year 2014 and after application of government regulation (peraturan pemerintah) concerning technical operational of CMO (karaoke tariffication), and the last conclusion, CISAC delclare in its professional rules that they will respect member national law, so the point is if a CMO in Indonesia willing to join CISAC, it is still able to apply CISAC professional rules and binding resolution with respect to Indonesia?s national regulations.</i>