

Legal analysis on foundation as a royalty collector = Tinjauan hukum atas yayasan sebagai pemungut royalti

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Abstrak

Pembayaran royalti hak cipta musik dan lagu sangat kompleks karena terdiri dari berbagai mekanisme sebagaimana diatur dalam Undang-undang Nomor 19 Tahun 2002 tentang Hak Cipta dan Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta. Di dalam pelaksanaannya, pemungutan royalti tersebut mengacu kepada standar baku yang dibuat Lembaga Manajemen Kolektif. Yayasan Karya Cipta Indonesia merupakan salah satu lembaga yang mengelola pengadministrasian kolektif, khususnya di bidang musik dan lagu. Penerapan mekanisme pemungutan royalti dan besarnya royalti yang ditetapkan oleh KCI juga masih mengalami banyak kendala dan pelanggaran. Oleh karena itu, dalam skripsi ini Penulis membahas mengenai peran Lembaga Manajemen Kolektif yang didirikan sebagai Yayasan dalam pemungutan royalti atas penggunaan karya cipta musik dan lagu.

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Copyright royalty payments in music and song are very complex because it consists of various mechanisms as stipulated in Law No. 19 Year 2002 on Copyright and Law No. 28 of 2014 on Copyright. In its implementation, the royalty collection refers to standards created Collective Management Organization. Yayasan Karya Cipta Indonesia as one of the institutions that manage the administration of the collectives, especially in the field of music and song. Application of royalty collection mechanism and the amount of royalties set by KCI also still face many obstacles and violations. Therefore, in this paper the author discusses the role of the Collective Management Society in the collection of royalties for the use of copyrighted works of music and song as an entity that is established as a foundation as well as the mechanism of licensing and royalty payments between KCI with the user. The method used is the library research methods that are normative. As a case study, the author uses a Supreme Court Verdict on copyright infringement case between KCI with PT Vizta Pratama. The results showed that the Collective Management Organization is an instrumental in the collection of royalties, for the benefit of the creator or copyright holder as well as the music industry itself, but its status is still often questioned and misunderstood.