

EFEKTIVITAS PELAKSANAAN PEMBAYARAN ROYALTI TERHADAP *PERFORMING RIGHTS* DI DAERAH ISTIMEWA YOGYAKARTA

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ABSTRACT

According to Law of 2002 No. 19, copyright is an exclusive right of creator given by the government of Indonesia which contains high economical value due to a person's intellectual creation. This means that the government should give more serious attention to appreciate the creators of music or songs. The facts in society shows that there are many infringements of copyright and it has reached the dangerous level, so that it can disturb the social structure especially on the creativity of creation. These phenomena can be found in the illegal downloading of ring back tones or MP3 and MP4 files from internet, the use of songs in café, private radio and other entertainment places that increases the demands of music and songs. Problems occur when the system royalty payment to the copyright holder is not yet clear. Based on the background above, the research aims at finding out how effective royalty payment by the user of music and songs in Café, private radio and mobile phone shops is, how the mechanism of the payment between users and copyright holder in performing arts is and what factors that influence the effectiveness of royalty payment are. The research was conducted in Yogyakarta and Jakarta. The objects of the research are Geronimo private radio, PRSSNI, Bosche VVIP Club, Nadia Seluler and Magetan Seluler, cellular phone shops, all in Yogyakarta and KCL Foundation in Jakarta. This is a juridical and sociological research; the methods of this research are analytical, descriptive and evaluative. Data is gathered through questionnaire and interview; it is, then, analyzed using descriptive and evaluative method. The primary and secondary data were analyzed simultaneously and then summarized using inductive logic. The result of this research shows that respondents have not yet fulfilled their obligation to pay royalty of performing rights. Some respondents have an awareness to fulfill their obligation i.e. Bosche VVIP Club while the rests do it unserious. Geronimo private radio fulfills the obligation because it is part of the regulation in professional organization of PRSSNI in which Geronimo becomes a member. There are two respondents who do not fulfill their obligation those are the cellular phone shops, Nadia seluler and Magetan Seluler. The royalty payment is done and arranged by appointed representative like KCL in Jakarta. Their duty is to collect and calculate the amount of royalty based on the rights given by copyright holder. The factor that influences the respondents to fulfill the obligation is the respondent's awareness for paying royalty for every creation that they use, even though the respondent's awareness is only to fulfill the rules of its professional organization (Geronimo private radio). There are also respondents with low awareness of copyright that never pay royalty for the creation that they use commercially.

Key word: Copyright, Performing Rights, Royalty